

**ORDINANCE # 166**  
**HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES,  
MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING  
UNITS WITHIN THE CITY OF CARLTON**

AN Ordinance establishing minimum standards governing the condition and maintenance of dwellings, establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation, establishing minimum standards governing the condition of dwellings offered for rent, fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings and fixing penalties for violations.

WHEREAS, in the City of Carlton, there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or insanitary as to constitute a menace to the health and safety of the people of the City of Carlton;

BE IT THEREFORE Ordained by the City Council of the City of Carlton as follows:

**SECTION 1. DEFINITIONS**

**SCOPE:** Unless otherwise expressly stated, the following shall, for the purpose of this code, have the meanings indicated in this section. Where the terms are not defined in this section and are defined in the Carlton Building or Zoning Ordinances, they shall have the meanings ascribed to them as in those ordinances. Where terms are not defined in this section or in the building code, they shall have the meaning ascribed to them by their ordinarily ascribed meanings or such as the context here may imply.

- 1-1.1 **Basement** shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1-1.2 **Building Official** - shall mean the officer or other designated authority charged with the administration and enforcement of this code, or his authorized representative.
- 1-1.3 **Cellar** shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1-1.4 **Dwelling** shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. Provided that temporary housing as hereafter defined shall not be regarded as a dwelling.
- 1-1.5 **Dwelling Unit** shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- 1-1.6 **Extermination** shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the building official.
- 1-1.7 **Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- 1-1.8 **Habitable Room** shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.
- 1-1.9 **Infestation** shall mean the presence, within or around the dwelling, of any insects, rodents or other pests.
- 1-1.10 **Occupant** shall mean any person, over the age of 1 year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- 1-1.11 **Operator** shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 1-1.12 **Ordinary Minimum Winter Conditions** shall mean the temperature is 15°F above the lowest recorded temperature for the previous 10-year period.

**1-1.13 Owner** shall mean any person who, alone or jointly or severally with others:

- (a.) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (b.) Shall have charge, care or control of a dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this ordinance, and the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**1-1.14 Person** shall mean and include any individual, firm, corporation, association, or partnership.

**1-1.15 Plumbing** shall mean and include all of the following supplied facilities and equipment: Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similarly supplied fixtures together with all connections to water, sewer, gas or vent lines.

**1-1.16 Rooming House** shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.

**1-1.17 Rooming Unit** shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living, sleeping, but not cooking or eating purposes.

**1-1.18 Rubbish** shall mean combustible and non combustible waste materials, except garbage; and the term shall include, but not be limited to the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass crockery, and dust.

**1-1.19 Supplied** shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

**1-1.20 Temporary Housing** shall mean any tent, trailer, or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or to any utilities systems on the same premises for more than 30 consecutive days.

## **SECTION 2. ENVIRONMENTAL REQUIREMENTS**

**SCOPE:** The provisions of this section shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by humans, and the premises on which it stands, shall comply with the conditions herein prescribed as they apply thereto

### **SECTION 2-2 - EXTERIOR PROPERTY AREAS**

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living therein; or premises, which does not comply with the following requirements. The building official of the City of Carlton may cause periodic inspections to be made upon request of the occupant, owner, or any other interested person to secure compliance with these requirements.

**2-2.1 Sanitation** - All exterior property areas shall be maintained in a clean and sanitary condition free from the accumulation of garbage or rubbish.

**2-2.2 Grading and Drainage** - All premises shall be graded and maintained, if feasible and practical to do so without undo financial burden, so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

**2-2.3 Noxious Weeds** - All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

**2-2.4 Insects and Rodents** - Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of single-family dwellings. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

**2-2.5 Accessory Structures** - All accessory structures including detached garages shall be maintained in structurally sound condition and in good repair.

## **2-3 EXTERIOR STRUCTURE**

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein; which does not comply with the following requirements:

**2-3.1 Foundations, Walls and Roof** - Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

**2-3.2 Foundations** - The foundation elements shall adequately support the building at all points.

**2-3.3 Exterior Walls** - Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portion of the walls or interior portion of the building.

**2-3.4 Roofs** - The roof shall be structurally sound, tight and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

**2-3.5 Stairs, Porches and Railings** - Stairs and other exit facilities shall be adequate for safety and shall comply with the following subsections:

**2-3.5a Structural Safety** - Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code; and shall be kept in sound condition and good repair.

**2-3.5b Handrails** - Where the building official deems it necessary for safety, every flight of stairs, which is more than two (2) risers high shall have a handrail which shall be located as required by the building code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

## **2-4 WINDOWS, DOORS AND HATCHWAYS**

Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

**2-4.1 Windows to be Glazed** - Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

**2-4.2 Windows to be Tight** - Every window sash shall be in good condition and fit reasonably tight within its frame.

**2-4.3 Windows to be Openable** - Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

**2-4.4 Door Hardware** - Every exterior door, door hinge, and door latch shall be maintained in good condition.

**2-4.5 Doors to Fit in Frame** - Every exterior door, when closed shall fit reasonably well within its frame.

**2-4.6 Windows and Door Frames to Fit Wall** - Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or multi-family dwelling.

**2-4.7 Basement Hatchways-** Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multi-family dwelling.

**2-4.8 Exit Doors -** Every door available as an exit shall be capable of being opened from the inside easily without the use of a key.

**2-4.9 Screening -** Screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

**2-4.9a Insect Screens -** From June 1st to October 15th of each year, every door opening directly from any dwelling or multi-family dwelling to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing device in good working condition.

## **2-5 INTERIOR STRUCTURE**

No person shall occupy as owner- occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit or portion thereof, for the purpose of living therein which does not comply with the following requirements.

**2-5.1 Free from Dampness -** In every dwelling, multi-family dwelling, dwelling unit, rooming house, and rooming units, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by the building code.

**2-5.2 Structural Members -** The supporting structural members of every dwelling unit and multi-family dwelling used for human habitation shall be maintained in a structurally sound; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.

**2-5.3 Interior Stairs and Railings -** Stairs shall be provided in every dwelling, multi-family dwelling, rooming and boarding house as required by the building code.

**2-5.4 Maintained in Good Repair -** All interior stair of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed as to be safe to use and capable of supporting a load as required by the provisions of the building code.

**2-5.5 Handrails -** Every stairwell and flight of stairs which is more than two (2) risers high shall have handrails located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on open portions of stairs, balconies, landings and stairwells.

**2-5.6 Bathroom Floors -** Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

**2-5.7 Sanitation -** The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish , garbage and other refuse shall be properly kept inside temporary storage facilities as required under Section 3-1.9 and 3-2.1 of this code.

**2-5.8 Insect and Rodent Harborage -** Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**2-5.9 Extermination from Buildings -** Every owner of a dwelling or multi-family dwelling shall be responsible for such extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more units of the dwelling, or in the shared or public parts of the structure.

**2-5.10 Extermination from Single Dwelling Units -** The occupant of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

**2-5.11 Responsibility of the Owner** - Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent- proof condition, extermination of such rodents shall be the responsibility of the owner.

### **SECTION 3. SPACE AND OCCUPANCY REQUIREMENTS**

**SCOPE:** No person shall occupy as owner - occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

#### **3-1 SANITATION FACILITIES**

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition

**3-1.1 Water Closet** - Bathroom fixture also known as toilet.

**3-1.2 Lavatory** - Every dwelling unit shall contain a lavatory which, when a closet is required, shall be in the same room as said water closet.

**3-1.3 Bathtub or Shower** - Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.

**3-1.4 Kitchen Sink** - Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Section 3-1.2.

**3-1.5 Water and Sewer System** - Every kitchen sink, lavatory basin, bathtub or shower required under Section 3-1 shall be properly connected either to a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

**3-1.6 Water Heating Facilities** - Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to fixtures required to be supplied with hot water under Section 3-1.1. Water heating facilities shall be capable of heating water to such a temperature as to permit a reasonable amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units at a temperature of not less than 130° Fahrenheit at any time needed.

**3-1.7 Heating Facilities** - Every dwelling and multi- family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed , safely maintained, and in good working condition, and that they are capable of adequately heating all habitable rooms, bathrooms, and toilet rooms located therein, to a temperature of not less than seventy degrees (70°) Fahrenheit with an outside temperature of ten degrees (-10°) below zero (0). The owner shall maintain an average room temperature of sixty-five (65°) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten degrees (-10°) below zero (0) outside.

**3-1.8 Operation of Heating Facilities** - Every heating or water heating facility and shall be installed and shall operate in accordance with the requirements of the building code or air pollution ordinance of the City of Carlton.

**3-1.9 Rubbish Storage Facilities** - Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish. The owner operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.

**3-1.10 Garbage Storage or Disposal Facilities** - Every dwelling, or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit to be approved by the building official, in the structure for the use of the occupants of each dwelling unit or an approved outside garbage can. *Also, in multi-family dwellings, facilities shall be provided for the separation and temporary storage of recyclables.*

### 3-2 INSTALLATION AND MAINTENANCE

No person shall occupy as owner - occupant or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

- 3-2.1 Facilities and Equipment** - All required equipment and all building space and parts in every dwelling and multi-family dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.
- 3-2.2 Maintained in a Clean and Sanitary Condition** - All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.
- 3-2.3 Plumbing Fixtures** - In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed and maintained in working order and shall be kept free of obstructions, leaks and defects and be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the City of Carlton.
- 3-2.4 Plumbing Systems** - In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be installed and maintained as to function properly and shall be kept free of obstructions, leaks, and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building or plumbing codes of the City of Carlton.
- 3-2.5 Heating Equipment** - Every space heating, cooking, and water heating device located in a dwelling or multi-family dwelling shall be properly installed, connected and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.
- 3-2.6 Electrical Outlets and Fixtures** - Every electrical outlet and fixture, as required in Section 3.3 shall be installed and maintained in accordance with the provisions of the building code or electrical code of the City of Carlton.
- 3-2.7 Correction of Defective System** - Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to its occupants or to the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

### 3-3 OCCUPANCY REQUIREMENTS

No person shall occupy as owner - occupant, or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements:

- 3-3.1 Minimum Ceiling Height** - Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven feet four inches (7'-4"), except that in attics or top half-stories the ceiling shall be not less than seven feet four inches (7'-4") of the area used for sleeping, studying or similar activity. In calculating the floor area of such rooms, only the portions of the floor area of a room having a clear ceiling height of five (5) feet or more may be included.
- 3-3.2 Required Space in Dwelling Units** - Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
- 3-3.3 Required Space in Sleeping Rooms** - In every dwelling unit, every room occupied by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

**3-3.4 Access Limitation of Dwelling Unit to Commercial Uses** - No habitable room, bathroom, or water closet compartment, which is accessory use to a dwelling shall open directly into or shall be used in conjunction with a food store, doctor's or dentist's examination or treatment room, or similar used for commercial purposes.

**3-3.5 Location of Bath and Second Sleeping Room** - No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by the occupants of more than one (1) sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

**3-3.6 Occupancy of Dwelling Units Below Grade** - No dwelling unit partially below grade shall be used for living unless:

1. Floors and walls are watertight;
2. Total window area, total openable area and ceiling height are in compliance with this code; and;
3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

### **3-4 LIGHT AND VENTILATION**

No person shall occupy as owner - occupant, or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements:

**3-4.1 Natural Light in Habitable Rooms** - Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between the stops, for every habitable room shall be ten (10) percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the electrical code. Whenever walls or other partitions of a structure face a window of any room and such obstructions are located less than three (<3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room, unless the room is supplied with two separate, recognized means of egress.

**3-4.2 Light in Non - Habitable Work Spaces** - Every laundry, furnace room, and all such similar non-habitable work space located in a dwelling or multi-family dwelling shall have one (1) supplied electrical light fixture available at all times.

**3-4.3 Light in Public Hallways** - Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

**3-4.4 Electrical Outlets Required** - Where there is electric service available to a building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type light fixture. In kitchens three (3) separate and remote wall-type convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry or furnace room shall contain at least one (1) electric light fixture. In addition to the light fixture, in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.

**3-4.5 Adequate Ventilation** - Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size required by Section 3-4.1, except where mechanical ventilation is provided.

**3-4.6 Ventilation and Light in Bathrooms and Water Closet Compartment** - Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Sections 3-4.1 and 3-4.4, except that no windows shall be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

### **3-5 MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE**

No person shall occupy as owner - occupant or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the applicable provisions of the fire prevention sections of the building ordinances of the City of Carlton and the following additional requirements for safety from fire.

- 3-5.1 Storage of Flammable Liquids Prohibited** - No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing or storing, flammable liquids with a flash point of one hundred ten degrees (110°) Fahrenheit or lower.
- 3-5.2 Cooking and Heating Equipment** - All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the City of Carlton applicable thereto. Portable cooking equipment employing flame is prohibited.

### **SECTION 4. RESPONSIBILITIES OF PERSONS**

**SCOPE:** Occupants of dwellings, multi-family dwellings, and dwelling units, and owners and operators of rooming houses shall be responsible for maintenance thereof as provided in this section.

- 4-1.1 Cleanliness** - Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which the occupant occupies, controls, or uses in a reasonably clean and sanitary condition.
- 4-1.2 Disposal of Rubbish** - Every occupant of a dwelling unit shall dispose of all the occupant's rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 3-1.9 of this code.
- 4-1.3 Disposal of Garbage** - Every occupant of a dwelling unit shall dispose of the occupant's garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter, securing such garbage and placing it in tight metal or plastic storage containers as required by Section 3-1.10 of this code; or by such other disposal method as may be required by applicable laws or ordinances of the City of Carlton.
- 4-1.4 Use and Operation of Supplied Plumbing Fixtures** - Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein in a clean and sanitary condition. Every occupant shall be responsible for the exercise of reasonable care in their proper use and operation.
- 4-1.5 Installation and Care of Plumbing Fixtures and Appliances Furnished by Occupant** - Every plumbing fixture and appliance furnished by the occupant of a dwelling unit shall be properly installed and shall be kept clean and sanitary and be free from defects, leaks and obstructions.

#### **4-2 Inspections; Enforcement; Fee**

- 4-2.1** For the purpose of attaining uniform acceptable standards in the City of Carlton and enforcing this section, the building official is hereby authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m. all dwellings or multi-family dwellings and premises. The building official, prior to making such inspection, shall inform the occupants of the dwelling or multi-family dwelling to be inspected of the date and time of his inspection by letter postmarked not less than 72 hours prior to the time such inspection is to be made. After such written notice shall have been given, the owner or occupant of such dwelling, multi-family dwelling or the person in charge thereof shall give the building official free access to such dwelling, multi-family dwelling and its premises, during such time for the purpose of such inspection, examination or survey; provided that such inspection; examination and survey shall not have as its purpose the harassment of such owner or occupant, and that such inspection, examination or survey, shall be made so as to cause the least amount of inconvenience to the owner or occupant, consistent with an efficient performance of the duties of the building official; provided that nothing in this section shall be construed to prohibit the entry of the building official:

- (1) At any time when, in the opinion of the health officer, an actual emergency tending to create an immediate danger to public health and safety exists; or
- (2) At any time when such inspection, examination, or survey may be requested by the owner or occupant.

4-2.2 In the event of an issuance of an order by the building inspector, he is hereby authorized to enter and re-inspect all dwellings, multi-family dwelling units and premises for the purpose of determining compliance with the mandates of such order. The re-inspection shall be made under the direction of the building official, by the building official, or by a team which may be composed of a public health representative, a building department representative and a representative of the Carlton Fire Department. The owner or occupant of the dwelling, multi-family dwelling, or the person in charge thereof, shall give free access to such dwelling, multi-family dwelling and its premises for the purpose of making such inspection, examination or survey. Reinspection shall be done upon the same notice as is provided for in Section 4-2.1.

4-2.3 Every occupant of a dwelling or multi-family dwelling shall give the owner thereof, or his agent or employee, access to any part of such dwelling or multi-family dwelling or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this section.

4-2.4 Inspection fees shall be set from time to time by resolution of the City Council of the City of Carlton.

### 4-3 CONDEMNATION OR VACATION

4-3.1 **Hazardous Building or Hazardous Property-** If any building or property because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment constitutes a fire hazard or a hazard to public safety or health, the building official shall proceed in accordance with the provisions of M.S. § 463.15 through 463.261 as may be amended.

4-3.2 **Structure Unfit for Human Occupancy -** Whenever the building official finds that any dwelling or multi-family dwelling constitutes a hazard to the safety, health, or the welfare of the occupants or to the public because of its lack of maintenance; or is in disrepair, unsanitary, vermin-infested or rodent-infested; or because it lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this code, but has not yet become a hazardous building or hazardous property, he may declare such dwelling or multi-family dwelling as UNFIT FOR HUMAN HABITATION and order it to be vacated. If any dwelling or multi-family dwelling, or any part thereof, is occupied by more occupants than is permitted under this code, or was erected, altered, or occupied contrary to law, the building official shall order such dwelling or multi-family to be vacated forthwith.

4-3.3 **Notice -** Notice of the building official's order to vacate any building shall be given as provided in the following sections. Notice with respect to a hazardous building or hazardous property shall be given as required by applicable state statute.

4-3.4 **Posting of Notice -** Any dwelling or multi-family dwelling declared UNFIT FOR HUMAN HABITATION, shall be posted with a placard by the building official. The placard shall include the following:

1. Name of the city;
2. Name of the authorizing department having jurisdiction;
3. The chapter and section of the code under which it is issued;
4. An order that the dwelling or multi-family dwelling when vacated, must remain vacated until the provisions of the order are complied with and the order to vacate is withdrawn;
5. The date the placard is posted;
6. A statement of the penalty for defacing or removal of the placard.
7. Notice that the building has been ordered vacated and the reason(s) therefor.

4-3.5 **Form of Notice -** Whenever the building official has declared a dwelling or multi-family dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of reason why it is being issued and the corrective action needed to remedy the defect(s) causing the issuance of the order to vacate;
4. State the time to correct the condition;
5. State the time occupants must vacate the dwelling units.

**4-3.6 Service of Notice - Service of notice to vacate shall be as follows:**

1. By delivery to the owner personally, or by leaving the notice at the normal place of abode of the owner with a person of suitable age and discretion; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with the postage prepaid thereon; or
3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the place to be vacated.

**4-3.7 Removal of Placard Notice - No person shall deface or remove the placard from any dwelling or multi-family dwelling that has been declared or placarded as unfit for human habitation except by authority, in writing, by the building official.**

**4-3.8 Vacating of Declared Building - Any dwelling or multi-family dwelling which has been declared and placarded as unfit for human habitation by the building official, shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let to any person for habitation said dwelling, multi-family dwelling unit until authorized to do so by the building official. No person shall occupy any dwelling or multi-family dwelling which has been declared or placarded by the building official as unfit for human habitation after the date set forth in the placard until authorized to do so by the building official.**

**4-3.9 Occupancy of Building - No dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation shall again be used for habitation until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.**

**4-3.10 Report of Notice to Vacate - The building official shall furnish a copy of each notice to vacate a building to the City Clerk, the chief of the fire department, and any other designated official of the City of Carlton concerned herewith.**

## **SECTION 5. VIOLATIONS**

Notice of violation shall be served upon the owner of record: provided that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if not found by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with a copy is returned showing it has not been delivered to him by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

**5-1.1 Service of Notice - Whenever the building official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:**

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Specify the violation which exists and the remedial action required;
4. Allow a reasonable time for the performance of any act it requires.

**5-1.2 Prosecution of Violation - In case any violation order is not promptly complied with, the building official may, in addition to any other lawful action, request the city attorney to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:**

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such building;
3. To require the removal of the work in violation;
4. To prevent the occupation or use of the building or structure, or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or
5. To enforce the penalty provisions of this code.

**5-1.3 Penalty for Violation - Every person, firm, corporation that shall violate any provisions of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided state law.**

## **SECTION 6. RIGHT OF APPEAL**

Any owner, occupant or other interested person who is aggrieved with the ruling or decision of the building official relative to the provisions of this ordinance may appeal the ruling or decision. The appeal shall be as follows:

1. An appeal may be made to the City Council. Such appeal shall be in writing and shall be delivered to the office of the City Clerk within thirty (30) days of the date of the ruling or decision by the building official. Thereafter the City Council shall consider such appeal at a regular or special meeting of the City Council to be held within thirty (30) days of the filing of the notice of appeal. The Council shall hear any testimony presented by the appellant and/or the building official. The Council may sustain, amend or revoke the decision of the building official. The written decision of the City Council shall be personally served or shall be served by mail upon the appellant and the building official.

Any order of the building official which requires vacation of a building under Section 4-3.2 shall remain in full force and effect pending the final decision of the City Council. The City Council may suspend the operation of such order pending its final decision.

2. An owner, occupant or other interested person who is aggrieved by a ruling or decision of the building official under this Ordinance may commence a District Court action seeking review of such decision or seeking review of the final decision of the City Council made under Subparagraph 1. above.

## **SECTION 7. VALIDITY**

**7-1.1 Severability** - If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in force and effect; and to this end the provisions of this code are hereby declared to be severable.

**7-1.2 Saving Clause** - This code shall not affect violations of any other ordinance, code or regulation of the City of Carlton existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, regulations in effect at the time the violation was committed.

## **SECTION 8. VARIANCE**

The City Council may approve a variance from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict application of the Ordinance. In considering or granting any variance, the City Council may prescribe any conditions that it deems necessary or desirable. The variance shall be granted only when the City Council finds:

1. That there are special and highly unique circumstances or conditions affecting the particular property which are not common to other properties in the City and that the strict application of the provisions of the Ordinance would result in unusual and unreasonable hardship to the owner thereof.
2. That granting of the variance will not be detrimental to the public health or welfare or to the safety of persons occupying or entering such building.

Request for a variance shall be filed with the City Clerk. Such request shall set forth the particular provision of the Ordinance from which a variance is sought, a description of the property affected by the request for a variance, the names and addresses of the owners and all occupants of the property, and a complete description of the reasons for which a variance is sought. Upon receipt of said application, the City Clerk shall schedule a hearing before the City Council on the request for a variance. Notice of the request for variance shall be served by the person requesting the variance and upon all owners and occupants of the building for which the variance is sought.

Notice of the request for a variance shall also be posted at the City Hall. All such notices shall be served and posted at least ten (10) days prior to the date set for the hearing. Notices given to the owners and occupants of the building for which the variance is sought may be personally served or may be served by certified mail. Proof of service and posting shall be made by the applicant for the variance.

Failure of a property owner or occupant to receive said notice shall not invalidate any proceedings hereunder.

The applicant for a variance and/or the applicant's representative shall appear before the City Council at such meeting to answer questions and to give information regarding the request for variance. The City Council may receive information from any other person including the building official.

Within ten (10) days of the date of such meeting, the City Council shall issue its decision regarding the request for variance, which decision shall be in writing and shall state concisely the City Council's decision and the reasons therefor. A written copy of the City Council's decision shall be mailed to the applicant, the building official, and any other interested person within three (3) working days after the filing of the City Council's written decision.

A variance from the provisions of this Ordinance may be granted only upon majority vote of the City Council.

**SECTION 9.)** This Ordinance shall become effective from and after it's passage- and Publication in summary form as approved by resolution of the City Council 3/7/95.

Passed by the City Council of Carlton the 7th day of March, 1995.

Published in the Pine Knot the 23rd day of March, 1995, in summary form,

By: Stephen Habegger

Mayor

Attest: Laura Beckstrom  
City Clerk/Treas.