

Section 405 - Property Maintenance Code

405.01. International Property Maintenance Code Adopted. Subd. 1. The International Property Maintenance Code (IPMC), 2000 Edition, published by the International Code Council, Inc., is adopted by reference, subject to the changes set forth in Subd. 2, below.

Subd. 2. For the purposes of this Section IPMC is amended as follows:

Section 101.1 Insert the name "City of Hopkins"

Section 102.3 In the first sentence, delete the terms: "International Building Code, International Plumbing Code, International Mechanical Code..." and replace with "Minnesota State Building Code".

And, in the second sentence delete the term "International Zoning Code" and insert "Hopkins Zoning Ordinance".

Section 102.7 Revise the paragraph as follows: "The codes and standards referenced in this code shall be those that are listed in the Minnesota State Building Code and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the Minnesota State Building Code, the most restrictive shall apply.

Section 103 Delete sections 103.1, 103.2, 103.3, and 103.6 in their entirety.

Section 106.2 Delete the term "Section 107" and insert "Section 355 or Section 405.05 of the Hopkins City Code".

Section 106.3 Delete the term "Section 107" and insert "Section 355 or Section 405.05 of the Hopkins City Code".

Section 106.4 Delete in its entirety.

Section 107 Delete in its entirety.

Section 108.3 Delete the two references to "Section 107.3" and insert "Section 355 or Section 405.05 of the Hopkins City Code".

Section 109 Delete in its entirety.

Section 110.1 In the first sentence delete the term "shall" and replace with the term "may".

Section 110.2 Delete the term "Section 107" and insert the term "Section 355 or Section 405.05 of the Hopkins City Code".

Section 201.3 Delete the terms "International Building Code, International Fire Code, International Zoning Code..." and insert "Minnesota State Building Code, Minnesota State Fire Code, and the Hopkins Zoning Ordinance".

Section 202 Amend as follows "Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative. For the purposes of this Code, the Code Official shall be the Building Official of the City of Hopkins."

Section 302.4 Delete in its entirety.

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| Section 302.7.1 | Delete in its entirety. |
| Section 302.7.2 | Delete in its entirety. |
| Section 302.8 | Delete in its entirety. |
| Section 302.9 | Delete in its entirety. |
| Section 303.3 | Delete in its entirety. |
| Section 303.6 | Amend by deleting the entire provision and inserting the following language: "Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint which is blistered or peeling to an extent of more than twenty-five percent (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railings and other such areas; b) More than twenty-five percent (25%) of the finish coat of a stucco wall is worn through or chipped away." |
| Section 303.14 | Amend by inserting the following dates "May 1" and October 1" and revise the end of the last sentence as follows: "...and every screen door used for insect control shall have a self-closing device in good working condition." |
| Section 305 | Delete in its entirety. (Note: Covered by City Code section 605.) |
| Section 401.3 | Delete the term "International Building Code" and insert the term "Minnesota State Building Code". |
| | Section 403.3 Add a second exception as follows: "For purposes of this section, devices such as coffee pots, microwave ovens, hot air popcorn poppers, and similar appliances shall not be considered as cooking appliances. Hot plates, electric fry pans, toasters, slow cookers, and similar appliances are not permitted." |
| Section 404.2 | Replace the dimension "3 feet" with "thirty (30) inches". |
| Section 404.4 | Delete the current sentence and insert the following language: "Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5." |
| Section 404.4.1 | Delete the current sentence and insert the following language: "Room Area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet." |
| Section 404.5 | Delete the section and insert the following language: "The number of persons occupying a dwelling unit shall not create conditions which, in the opinion of the building official, endanger the life, health, safety, or welfare of the occupants". |
| Table 404.5, | Sections 404.5.1 and 404.5.2 Delete in their entirety. |
| Section 502.4 and 502.4.1 | Delete in their entirety. |
| Section 503.3 | Delete in its entirety. |

- Section 505.1 Delete the term "International Plumbing Code" and insert the term "Minnesota State Plumbing Code."
- Section 602.2 Amend the first sentence by deleting the numbers "65" and "18" and inserting the numbers "68" and "19" and delete everything after the phrase "toilet rooms based on" and insert "a winter outdoor design temperature of minus 12 degrees Fahrenheit."
- Section 602.3 Amend the first sentence by inserting the following dates in the brackets: October 1, May 15 and by deleting the numbers "65" and "18" and inserting the numbers "68" and "19".
- Section 602.3 Amend the exception by deleting the words "the winter outdoor design temperature for the locality" and inserting "minus 12 degrees Fahrenheit" and by deleting the last sentence.
- Section 602.4 Amend the first sentence by inserting the following dates in the brackets: October 1 May 15
- Section 604.2 Amend by deleting the term "ICC Electrical Code" in the first sentence and insert "State Electrical Code".
- Section 702.2 Amend by deleting the term "International Fire Code" and inserting the term "Minnesota State Fire Code".
- Section 702.3 Amend by deleting the term "International Building Code" and inserting the term "Minnesota State Building Code".
- Section 702.4 Amend by deleting the term "International Building Code" and inserting the term "Minnesota State Building Code".
- Section 704.2 Amend by deleting the term "International Fire Code" and inserting the term "Minnesota State Fire Code".

Subd. 3. Where there is any conflict between the provisions of the IPMC and any other applicable code or ordinance enforced by or in the City of Hopkins, the more restrictive provisions shall apply.

Subd. 4. Nothing in the IPMC hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any other code or ordinance enforced by or in the City of Hopkins, nor shall any just or legal right or remedy of any character be lost, impaired or affected

405.05. Compliance. Subd. 1. The City Manager shall designate the building official to administer and to enforce the provisions of this Chapter. The building official is authorized to inspect the premises on a scheduled basis and/or when reason exists to believe that a violation of this Chapter has been committed.

Subd. 2. Whenever the building official determines that a premises fails to meet any provision of the IPMC, the building official may issue a Compliance Order setting forth the violations and ordering the owner or the owner's agent or the occupant to correct such violations. The Compliance Order shall:

- (a) Be in writing;
- (a) Describe the location and nature of the violations of the IPMC and refer to the specific provisions violated;
- (c) Specify a time in which violations must be corrected;
- (d) Set forth the procedures by which to appeal the Compliance Order;
- (e) Be served in the following manner:
 - (i) For residential rental premises, service shall be sufficient on the owner or the owner's agent by mailing the notice by first class mail to the address on file pursuant to Section 407. Service shall be sufficient on the occupant of

residential rental premises if personally served, posted in a conspicuous place on or about the premises or mailed to the occupant by first class mail to the occupant's last known residence;

- (ii) For all premises other than residential rental, service shall be sufficient on the occupant if personally served, posted in a conspicuous place on or about the premises or mailed to the occupant by first class mail to the occupant's last known address. Service shall be sufficient on the owner or the owner's agent by mailing the notice by first mail to the address on record with the County or City tax and/or assessment office identifying the party responsible for paying the taxes for the premises.

405.09. Emergency Cases. When the building official determines that a violation of this Section constitutes an imminent peril to life, health, safety or property and there does not exist sufficient time to follow the procedures set forth in Section 405.05, the building official may take appropriate action to correct the violation by the procedure set forth below.

Subd. 1. Order by City Manager. The building official shall obtain from the City Manager or the City Manager's designated representative, a written Administrative Order directing the building official to correct the emergency situation. A good faith effort shall be made to inform the owner, the owner's agent or the occupant that the action is being taken.

Subd. 2. Notice of the Correction. After the corrective action has been taken and the costs of such action have been determined, the building official shall serve the owner, the owner's agent or the occupant with a notice of the action, which shall contain the following information:

- (a) A description of the emergency circumstances;
- (b) The corrective action taken by the City;
- (c) The cost incurred in correcting the emergency;
- (d) The City's intent to assess some or all of the costs against the corrected property, and;
- (e) A statement that the owner, the owner's agent or the occupant may request a hearing with the City Council to review the building official's actions and the possible assessment of costs. The request for hearing shall be in writing and submitted to the City Clerk within ten (10) working days of the date of the notice.

Subd. 3. Hearing Date. In the event that the owner files a request for a hearing with the City Clerk, the City Council shall within three weeks fix a date for a public hearing.

Subd. 4. Hearing. The appellant, the appellant's representative, the building official and any other person who's interests are affected by the Compliance Order shall be given an opportunity to be heard.

Subd. 5. Written Opinion. The City Council shall render a written opinion no later than the third regularly scheduled City Council meeting following the Appeal Hearing. The City Council may adopt a resolution levying an assessment for all or a portion of the costs incurred in correcting the emergency. A copy of the decision and the resolution shall be served upon the Appellant in the manner set forth in Section 405.05, Subd. 2(e).

405.11. Penalties. A person who violates the provisions of Section 405 may be charged with a misdemeanor or be subject to the issuance of an administrative citation as provided in section 355. Each day that a violation continues shall be deemed a separate offense. The building official may post the premises by appropriate signs or notices prohibiting occupancy, and may act to cause the premises to be vacated or remain vacant until the Code violations are corrected.

(Section 405 was amended in its entirety by Ord. 95-763 and Ord. 95-764. Ord. #95-764 created Section 407) (Amended Ord 2002-888)