

211 Property Maintenance

211.005 General Provisions

- (A) Scope. The provisions of this code shall apply to residential and non-residential properties and constitutes the minimum requirements and standards for the premises and structures located on the premises.
- (B) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

211.010 Parking and Storage of Vehicles and Equipment

- (A) Parking or Storage of Commercial Usage Vehicles, Inoperable Vehicles, Unlicensed Vehicles and Vehicle Parts.
- (1) Commercial usage vehicles, inoperable vehicles, unlicensed vehicles or any part or equipment appurtenant to any vehicle shall not be:
- (a) Parked or stored outdoors on lots in residential districts except for the following:
- (i) One commercial usage vehicle of over 3/4 ton carrying capacity or 9,000 pounds gross vehicle weight, but not in excess of one ton carrying capacity or 12,000 pounds gross vehicle weight, may be stored outside.
- (ii) No more than one commercial usage vehicle of any size bearing exterior evidence of commercial advertising, identification or equipment may be stored outside.
- (b) Parked or stored on lots in non-residential districts for more than 48 continuous hours.

(B) Parking or Storage of Recreation Vehicles, Boats, All Terrain Vehicles (ATV's), Snowmobiles, etc.

(1) Recreational vehicles, boats, ATV's, snowmobiles, special purpose trailers or other vehicles designed or used for off-road purposes may be parked or stored in a garage or lawfully erected building, or may be parked or stored outdoors as follows:

- (a) No more than two such vehicles, not more than one of which is a recreational vehicle, shall be parked or stored outdoors on each lot. For the purposes hereof, a vehicle on a trailer shall be considered one vehicle.
- (b) Any such vehicle parked or stored outdoors shall be owned or leased by the occupant of the premises where parked or stored.
- (c) Any such vehicle shall not be parked or stored within five feet of a side yard lot line, or within ten feet of a rear yard property line. Vehicles may be parked within the required front setback provided vehicles are parked on an approved asphalt, concrete or similar approved hard surface and shall not be within five feet of the front yard property line.
- (d) Recreational vehicles shall not be used as temporary or permanent living quarters.

(C) Other Vehicles. Passenger automobiles and all other vehicles not regulated by Section 211.010(A) and 211.010(B) may be parked or stored in a garage or lawfully erected building, or may be parked or stored outdoors as follows:

(1) Lots in Residential Districts. On an asphalt, concrete or similar approved hard surface but not within five feet of a side or front property line or within 10 feet of a rear property line. No more than four vehicles or one per licensed driver residing on the premises, whichever is more may be parked or stored outside.

(2) Lots in Non-Residential Districts. On a parking area that is asphalt, concrete or similar approved hard surface but not for periods exceeding 48 hours. Provided, however, vehicles may be stored for periods exceeding 48 hours in Districts allowing for the sale of new or used automobiles or boats on property approved by the City for use as an open sales lot.

Rev. Date
4/18/05
Ord. #774

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4/18/05
Ord. #774

211.020 Refuse

(A)

(1) Definition. Refuse means all solid waste products which are composed wholly or partly of the following materials: garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, domestic solid wastes, organic wastes, residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass trimmings, paper products, straw, rags, clothing, and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair or alteration of structures or buildings; and accumulated waste materials composed of cans, containers, tires, junk, vehicle parts, appliances, electronic devices or other substances which may become a nuisance.

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Ord. #798

(2) Refuse Container. A receptacle designed for the temporary storage of refuse usually made out of metal or plastic and enclosed with a lid. Yard waste may, however, be temporarily stored in paper or plastic bags.

Rev. Date
4/16/18
Ord. # 961

(3) Construction Dumpster. A mobile receptacle for temporarily storing refuse debris resulting from the construction, demolition, repair or alteration of structures or buildings. Construction dumpsters are transported to the site by truck and range in size from 10 to 45 cubic yards. Bagsters, large bags that hold less than 10 cubic yards, are considered a construction dumpster.

(B) Refuse is considered a nuisance and/or hazardous to safety or welfare and every person shall arrange for the collection and disposal of all accumulations of refuse on their property at least once a week, by a collector of refuse, licensed by the City.

(C) All refuse shall be properly contained in a container sufficiently designed for the storage of all refuse accumulating on the premises between collections. Refuse containers shall be kept in a tidy, sanitary and orderly manner, closed, and all refuse stored within.

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(D) Standards for the RE, R-1 & R-2 Zoning Districts, including Planned Unit Developments that have an underlying zone of RE, R1 or R2.

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Ord. # 961

- (1) Refuse containers, including tree debris, shall be permitted at curbside or other permitted collection point from 12:00 p.m. of the night preceding collection day until 12:00 p.m. on the day after designated collection day.
- (2) With the exception of Subsection (D1 and D3):
 - a. Refuse containers shall be stored within an enclosed building, or in the side or rear yard immediately adjacent to a structure.
- (3) Refuse containers shall not be stored forward of the principle or accessory structure, whichever is closer to the street.
- (4) If the property has unique circumstances that create a hardship for the property owner to store refuse containers in accordance with Subsection (D2) above, said refuse containers may be stored forward of the principle or accessory structure closest to the street provided:
 - a. The refuse containers are immediately adjacent to the principle or accessory structure.
 - b. The refuse containers are screened from view of the public right-of-way.
 - c. Examples of unique circumstances may include topography, fencing, lake frontage or single car attached garages.
- (5) Tree waste may be stored in any yard, provided it is placed out at the curbside or other permitted collection point on the next collection day for pick-up by the waste hauler.
- (6) Construction Dumpster Standards
 - a. Number allowed: One construction dumpster is allowed per residential lot.
 - b. Placement. Dumpsters may be placed in any yard or driveway provided it is setback a minimum of 5 feet from a property line, and does not impede traffic visibility and public safety. Dumpsters shall not be placed in any public street. Dumpsters placed in a private roadway shall not impede access by emergency vehicles.
 - c. Duration.
 - i. A dumpster located on a residential property without an associated building permit is permitted for a period not to exceed fourteen (14) calendar days and not more than two (2) times in a calendar year.
 - ii. A dumpster located at a residential property with an associated building permit is permitted throughout the duration of the building project and must be removed within fourteen (14) days of the project completion.

(E) Any hazardous materials must be disposed in accordance with applicable State and Federal regulations.

211.030 Grading and Drainage

- (A) All properties shall be graded and maintained so as to prevent the accumulation of stagnant water, except in natural occurring ponding areas on said property.
- (B) Grading shall not be altered, and gutters and downspouts shall not be installed as to direct additional surface and storm water onto adjoining properties.
- (C) Discharging any sump pump water, swimming pool water, or water which has been used in a manufacturing process or mechanical process so as to flow upon or over streets, sidewalks, or other public property or adjacent private property is prohibited except for the following:
 - (1) Property that is owned by the person discharging the water.
 - (2) Sump pump or swimming pool water discharged directly to the curb flow line that does not flow into or across the street.
 - (3) Discharge water from sump pump or swimming pool that flows across unimproved public property to the curb.
- (D) Vegetation shall be restored by sodding or seeding disturbed areas upon completion of grading or any yard maintenance resulting in the removal of vegetation in accordance with Section 209.040(E).

211.040 Outside Storage. All materials and equipment shall be stored in an approved fully enclosed structure except the following which may be stored outside:

- (A) Laundry drying equipment, recreational equipment and patio furniture provided it is stored in a rear or side yard and is set back a minimum of five feet from the property line and not stored within a public right-of-way.
- (B) Firewood provided it is stored in a rear or side yard and it is set back a minimum of five feet from the property line. Storage of firewood in the front yard may be permitted for loading and unloading and shall not exceed five days. Firewood shall be stacked in a neat, orderly, safe manner and in a manner to prevent the harboring of rodents. The maximum height allowed is six feet. The maximum amount of firewood stored on properties less than two

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acres shall be two cords. One cord is four feet in width by four feet in height by eight feet in length (4' x 4' x 8').

(C) **Recreational Facilities:** Recreational facilities are permitted in accordance with the following:

(1) Shall be set back at least five feet from the side and ten feet from the rear property lines.

(2) Shall not be placed on drainage, utility or other easements.

(3) Shall not be located in front of the principal structure, with the exception of basketball hoops, skateboard ramps or other facilities placed adjacent to or on a driveway or patio area.

(D) **Miscellaneous Structures:** Dog kennels, playhouses, and similar structures shall not be located closer than five feet from the side or rear property lines, and shall not be located within the front yard.

211.050 Glare. In all districts, no light or combination of lights which cast light upon a public street shall exceed 1 foot candle meter reading as measured from the centerline of the street nor shall any light or combination of lights cast light upon residentially zoned property exceeding 0.4 foot candle meter reading as measured at the receiving residential lot line.

211.060 General Property Maintenance.

(A) All structures, buildings, fences and landscaping shall be maintained so as to prevent unsightliness, health hazards, or unsafe conditions.

(B) Grass clippings, weed clippings, and leaves shall be disposed of in a reasonable time by composting in a proper manner, hauling to a regulated composting site, or by bagging or otherwise properly containing such material until waste pick up. Composting areas shall be located in a rear yard, at least ten feet from any property line, at least thirty feet from any adjoining residence and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, wetland areas, streams or lakes. No person shall rake or deposit grass clippings, weeds, noxious weeds, leaves, chemicals, sand or other refuse on or into a public or private street, storm sewer, drainage ditch, water retention basin, wetland area, stream or lake.

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(C) Exterior property areas shall be kept free from species of weeds or plant growth which are noxious or a detriment to public health. Noxious weeds are those defined in Minnesota Rules. Grass plots and lawn areas, including any contiguously abutting street boulevard areas, shall not exceed nine inches in height. Non-woody vegetation on vacant properties shall not exceed eighteen inches in height. Native grasses indigenous to Minnesota, planted and maintained on any occupied lot or parcel of land as part of a garden or landscape treatment are exempt from the maximum height limitation, provided the native landscaping does not interfere with traffic or pedestrian safety. Wetlands and other drainage features, pastures, and undisturbed land are exempt from this provision.

(D) Snow-free and ice-free access shall be provided to building entries and egress doors. Storage of snow shall be maintained on the property and cannot be placed on any public street, alley, sidewalk, bike path, railway, or adjoining private property or boulevard.

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(E) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

It shall be the responsibility of the owner to restore any exterior surface of any structure or building surface damaged, mutilated or defaced by any marking, carving or graffiti to an approved state of maintenance and repair. Such repair shall be completed within ten (10) days after said defacement.

(F) Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

211.070 Housing Code

(A) Purpose. The purpose of the Housing Code is to establish a minimum level of maintenance standards for all housing and residential accessory structures in the City in order to:

(1) Protect the character, value and stability of residential properties within the City.

- (2) Correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within the City.
- (3) Provide minimum standards necessary to the health and safety of occupants of the buildings.
- (4) Provide minimum standards for the maintenance of existing residential buildings, and to thus prevent deterioration and blight.
- (5) Correct and prevent unsafe or deficient housing conditions which are a fire hazard or a physical risk to the property or persons or otherwise dangerous to human life, public safety personnel or the public welfare.

Rev. Date
4/16/14
Ord. 920

(B) Applicability and Scope. This Housing Code shall apply to exterior and interior area of all residential properties in the City. The construction, repair, alteration and maintenance of residential property shall comply with the provisions of this Code and other applicable sections of the Shoreview Municipal Code including the Building Code, the Fire Code and the Development Ordinance.

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(C) Exterior Structures. The exterior of residential dwellings and accessory structures in the City shall comply with the following standards:

- (1) Foundations, Walls and Roofs. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair:
 - (a) The foundation elements shall adequately support the building at all points.
 - (b) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amounts of peeling paint and any conditions which might admit moisture, rodents and pests to the interior portions of the walls or to the interior spaces of the structure.
 - (c) The roof structure and all of its components shall be tight and have no defects which admit water. Roof drainage shall be adequate to prevent water from causing dampness or deterioration in the walls or interior

portion of the structure. Roof materials shall be compatible in color and style.

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- (d) Non-decay resistant wood shall be finished with an approved protective coating.

(2) Stairs, Porches, Decks and Railings.

- (a) Stairs, porches, decks, railings and appurtenance attached thereto shall be maintained so as to be safe and capable of supporting a load as determined in the Building Code and shall be kept in sound condition and good repair.

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- (b) A flight of stairs which has four (4) or more risers high shall have hand rails which are to be so designed and located as determined by the Building Code; and

- (c) Stairs, porches, decks, railings and appurtenance attached thereto shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amount of peeling paint and any conditions which might admit moisture to the interior portions of any structure and free of conditions that show lack of maintenance.

(3) Windows, Doors and Hatchways. Windows, exterior doors and hatchways shall be substantially tight and shall be kept in sound condition, good repair and weather tight.

- (a) Windows, doors and frames shall be maintained in relation to the adjacent wall constructions, as to exclude rain, and substantially to exclude wind from entering the structure.

(b) Window and Screens

- i. Windows shall be fully supplied with window panes which are without open cracks or holes.
- ii. Window screens shall be kept in a good state of repair without holes or tears. During the period of April 1 to October 31, every door, window and other outside openings of habitable rooms shall be supplied with tightly fitting screens.

(c) Window sashes shall be in good condition and fit reasonably tight within its frame. Windows designed to be opened and closed shall be capable of being held in an open or closed position by window hardware.

(d) Doors and Hatchways

i. Exterior doors, door hinges and door latches shall be in good condition.

ii. Exterior doors, when closed, shall fit reasonably well within its frame.

(e) Hatchway shall be so maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

(f) Doors available as an exit in a dwelling shall be capable of being easily opened from the inside.

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(4) General. The exterior of all residential dwellings and accessory structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All exterior surfaces, including, but not limited to, siding, doors, door and window frames, porches, trim, soffits and fascia, eaves and gutters, balconies, decks and fences shall be maintained in good condition.

(D) Interior of Structures. The interior of residential structures, including common areas of multi-family dwellings in the City shall comply with the following standards:

(1) Interior Walls, Floors, Ceiling and Woodwork. Interior walls, floors, ceilings and associated woodwork or trim must be maintained in a sound condition and in workmanlike repair. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(2) Hallways. The width of hallways shall be not less than 36 inches. The height of hallways shall not be less than 7 feet nominal, with clearance below projections from the ceiling of not less than 6 feet and 8 inches

nominal, except existing approved hallways shall be permitted to continue use as a hallway.

(3) Number of Means of Escape. In any dwelling or dwelling unit of two rooms or more, means of escape shall be provided in accordance with the following:

- a. Primary Means of Escape. Every sleeping room and living area shall have a primary means of escape. This escape shall be a door, stairway or ramp providing a means of unobstructed travel with a minimum of three feet (3') unobstructed travel path from the egress and exit to the outside of the dwelling unit or street ground level.
- b. Secondary Means of Escape. Except as provided in (D)(3)(c), every sleeping room shall have a secondary means of escape which shall be a door, stairway or ramp or window with a minimum of three feet (3') unobstructed travel path from the egress and exit to the outside of the dwelling unit or street ground level, or an outside window conforming to the requirements of the Minnesota State Building Code.
- c. A secondary means of escape shall not be required when there is a door leading directly to the outside of the building at or to ground level; or when the dwelling unit is protected by an approved automatic sprinkler system; or when there is an existing approved means of escape.
- d. Doors and windows that provide the primary and/or secondary means of escape shall be immediately accessible and must be operable and able to open freely and completely.

(4) Access.

- a. Where access is permitted by way of windows, the windows shall be arranged and maintained so as to be easily opened.
- b. There shall be no obstructions by railings, barriers or gates that divide the open space into sections appurtenant to individual rooms, apartments or other occupied spaces.
- c. In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed with a

minimum of three feet (3') unobstructed travel path. Means of egress shall be accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility.

- (5) Stairs and walking surfaces. Every stair, ramp, landing or other walking surface, including carpeting and other surfaces shall be maintained in sound condition and good repair and not be a tripping hazard.
- (6) Plumbing systems. Plumbing systems shall be maintained in good working order, and must be kept free from obstructions, leaks and defects.
- (7) Connected to water and sewer system. Kitchen sinks, lavatory basins, bathtubs, or showers and water closets shall be properly connected to either the municipal water and sewer system or to an approved private water and sewer system, and shall be supplied with hot and cold running water.
- (8) Heating Facilities. Single and multiple family dwellings shall have heating facilities which are safely maintained and in good working condition. Said facilities shall be capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein. The heating facilities shall be capable of maintaining a minimum room temperature of seventy (70) degrees Fahrenheit (twenty-one (21) degrees Celsius) at three (3) feet above the floor in all habitable rooms including bathrooms and under all weather conditions.
- (9) Electrical service, outlets, and fixtures. Residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the Building Code. Electrical outlets and fixtures shall be maintained and connected to the source of electrical power in accordance with the provisions of the Building Code.
- (10) Light and ventilation. No owner shall use or occupy or allow another to use or occupy any residential structure, including common areas of multi-family dwellings, for the purpose of living, sleeping, cooking, and/or eating therein which does not comply with the provisions of the Building Code for light and ventilation. Lighting and ventilation shall be maintained in sound condition and workmanlike repair.

- (11)Fire safety. No owner shall use or occupy or allow another to use or occupy any residential structure, including common areas of multi-family dwellings which does not comply with the applicable provisions of the Uniform Fire Code and all accepted standards for safety from fire.
- a. Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in accordance with International Fire Code Section 907.2.10 and Minnesota State Statute 299F.362.
 - b. Carbon Monoxide Detectors: Every single-family dwelling and every multifamily dwelling unit shall be provided with an approved and fully operational carbon monoxide alarm within ten (10) feet of each room lawfully used for sleeping purposes in accordance with Minnesota Statutes 299F.050 and .051.
- (12)Cleanliness. Residential structures, including common areas of multi-family dwellings, and dwelling interiors shall be maintained in clean and sanitary condition, free of accumulations of combustible materials, garbage and refuse so as not to breed insects and rodents, produce dangerous gases, odors and bacteria, mold or other unsanitary conditions, or create a fire hazard.
- (13)Common Solid Waste Disposal Facilities. Interior solid waste disposal facilities designed for common use by occupants of multi-family residential structures shall be maintained in sound condition and workmanlike manner. Waste shall be disposed of in a timely manner to prevent the accumulation of garbage and refuse.
- (14)Elevators and Related Devices. Elevators shall be maintained in accordance with Minnesota Rules Chapter 1307, Elevators and Related Devices.

(E) Extermination.

- (1) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

- (2) Owner. The owner of any structure shall be responsible for extermination within the structure or dwelling unit prior to renting or leasing the structure.

(F) Interior Storage

- (1) Combustible materials shall not be stored within three feet (3') of open flame heat sources such as furnaces, water heaters, woodstoves and fireplaces.
- (2) Clearance between other heat or flame sources and combustible materials shall be maintained in a manner that does not constitute a fire hazard.
- (3) Combustible materials shall not be stored in hallways, stairways, and landings unless a minimum of three feet (3') unobstructed travel is provided.
- (4) Rooms within the dwelling unit, other than those identified in 211(G) below may be used for storage purposes provided a minimum of three feet (3') unobstructed travel is provided to doors and windows.
- (5) Storage shall be maintained 2-feet or more below the ceiling.

(G) Room Function. Interior storage shall not interfere with the primary function of the following rooms: kitchen, bathroom(s), living room, hallways, bedrooms that are used for sleeping purposes.

- (1) Kitchen. The dwelling unit shall have permanently installed cooking (oven and stove), and refrigerator, including freezer, that is in safe operating condition.

(H) Housing and Code Enforcement Officer. It shall be the duty of the City Manager to enforce the provisions of code.

- (I) Inspections. The Housing and Code Enforcement Officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings and premises in the City under this code in order to safeguard the health, safety and welfare of the public. The Housing and Code Enforcement Officer, or his designated representatives, shall be authorized to enter any dwelling or premises at any reasonable time for the purpose of performing his duties under this code. If the owner, operator or person in possession of the

dwelling shall refuse to consent to the inspection and there is probable cause to believe that a violation exists within the particular structure, a search warrant may be obtained.

(J) Access by owner or operator. Every occupant of a dwelling shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit or its premises, at reasonable times, for the purpose of affecting inspection and maintenance, making such repairs, or making such alterations as are necessary to comply with the provisions of this code.

(K) Compliance orders.

(1) Whenever the Enforcement Officer determines that any dwelling, dwelling unit or rooming unit in the City under this code, or the premises surrounding any of these, fails to meet the provisions of this code, he may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator or agent to correct such violations. This compliance order shall:

(a) Be in writing.

(b) Describe the location and nature of the violations of this code.

(c) Establish a time for the correction of such violation.

(d) Be served upon the owner, his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, agent or upon any such occupant, if a copy thereof is:

(i) Served upon him personally, or

(ii) Sent by registered or certified mail to his last known address or

(iii) Upon failure to effect notice through (i) or (ii) above, as set out in this section, posted at a conspicuous place in or about the property which is affected by the notice.

(2) Transfer of Ownership. It shall be unlawful for the owner of any property, dwelling unit or structure who has received a compliance order or upon

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whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of said property, dwelling or structure to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the City and shall furnish to the City a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

- (L) Posted to Prevent Occupancy. Whenever any dwelling or dwelling unit does not comply with the minimum standards of Section 211.070 and is found to be unfit for human habitation and otherwise dangerous to life, health, safety and welfare of the occupants, public safety personnel or the public welfare, the dwelling or dwelling unit shall be posted with a placard by the City Manager to prevent occupancy. Any person who occupies a placarded premises, and the owner or any person responsible for the premises, who allows occupancy of the placarded premises shall be liable for the penalties provided by this code.