

## CHAPTER 34. HOUSING CODE. MINIMUM STANDARDS

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### 34. HOUSING CODE. MINIMUM STANDARDS.

34.01. Minimum Standards: Basic Equipment. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of Sections 34.02 through 34.10.

34.02. Kitchen Sink. Every single dwelling or apartment must contain a kitchen sink in good working condition and must be properly connected to a water and sewer system in compliance with the building code.

34.03. Toilet and Lavatory Basin. Every single dwelling or apartment (except as otherwise permitted by Section 34.05) must contain a room which affords privacy to a person within said room, be equipped with a flush water closet and a lavatory basin in good working condition and be properly connected to a water and sewer system in compliance with the Building Code. Any other bathroom fixtures located elsewhere in the dwelling or apartment must also comply with these requirements.

34.04. Bathtub or Shower. Every single dwelling or apartment (except as otherwise permitted by Section 34.05) must contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and be properly connected to a water and sewer system in compliance with the Building Code. Any other bathroom fixtures located elsewhere in the dwelling or apartment must also comply with these requirements.

34.05. Sharing of Sanitary Facilities. Two apartments or one apartment together with not more than two rooming units may share sanitary facilities when such sanitary facilities consist of a water closet, lavatory basin and bathtub or shower.

34.06. Hot and Cold Water. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Sections 34.02 through 34.05 must be properly connected with both hot and cold water lines.

34.07. Water Heating Facilities. Every dwelling must have water heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under the provisions of Section 34.06, and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such water heating facilities must be capable of meeting the requirements of this section when the dwelling or apartment heating facilities required under

## 34.HOUSING CODE: MINIMUM STANDARDS

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the provisions of Section 34.08 are not in operation.

34.08. Heating Facilities. Every dwelling must have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every apartment located therein to a temperature of at least 68 degrees F., at a distance three feet above the floor level and not closer than two feet from an outside wall, window or door, when the temperature outside is minus 20 degrees F. When the owner or operator of a dwelling controls heating facilities, such facilities must be in operation on any date where the outside air temperature, as measured at the Rochester International Airport, falls below 50 degrees F.

34.09. Solid Waste Storage Containers. Every dwelling or apartment must be supplied with adequate solid waste storage containers. While being accumulated and stored for collection and transportation to a permitted disposal facility, solid waste must be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll off containers) that are rust, impact, vermin and leak resistant. Solid waste may be stored for collection no longer than length of scheduled collection or one week whichever is shorter. Occupants utilizing the services of a commercial hauler may place acceptable containers of solid waste, recyclable materials or yard waste at the curb or collection site no sooner than the evening prior to scheduled collection and must remove the empty containers the same day as collection.

34.10. Maintenance of Solid Waste Containers. The responsible tenant must maintain solid waste containers in a neat, clean and sanitary condition so as to prevent insect breeding, nuisances and unsightly conditions. The responsible tenant, the collector, or the owner or management firm (depending upon who supplies them) must maintain the containers in good repair. Responsible tenant means any occupant, tenant, owner, manager or custodian of any residence, apartment or dwelling unit. All solid waste containers shall be kept as near the rear of the premises as practicable, at the alley if one exists, and shall be located so as to be easily accessible to the collector. Such containers must be kept on an impervious surface. Solid waste dumpsters and containers with an individual capacity of 1.5 cubic yards or more must not be stored in buildings or placed within five feet of combustible walls, openings, exterior stairs or combustible roof eave lines. Notwithstanding anything in this section to the contrary, dumpsters with an individual capacity of 1.5 cubic yards or more may be stored in rooms designed and approved for such use.

34.11. Minimum Standards – Fire Safety. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living therein, which does not comply with the requirements of Sections 34.12 through 34.20.

## 34.HOUSING CODE: MINIMUM STANDARDS

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34.12. Portable Fire Extinguishers. There must be provided and installed in each apartment or dwelling unit in buildings with three or more units at least: (a) one portable fire extinguisher complying with the standards prescribed by the state fire code and having a minimum rating of 1A10BC; or (b) one portable fire extinguisher complying with the standards prescribed by the state fire code and having a rating of not less than 2A10BC provided and installed within 50 feet of each apartment entrance, without intervening stairways. Fire extinguishers must be mounted in a conspicuous location not more than 60 inches from the finished floor. Each portable fire extinguisher must bear an inspection tag indicating service within the past twelve months, a valid six-year maintenance label and a valid hydrostatic test label.

34.13. Smoke Detectors. Every dwelling unit shall be provided with an approved, UL listed single station smoke detector, properly mounted on the ceiling or wall outside of the sleeping rooms of the dwelling unit or installed in accordance with the building code in effect when the building was constructed. All required smoke detectors must be maintained in an operable condition at all times and tested on a regular basis to insure batteries are in place and replaced as necessary to insure the detector is operational. Smoke detectors that fail to sound an alarm when tested and smoke detectors more than ten years old must be replaced. It is the building owner's responsibility to provide and install properly working smoke detectors and establish a maintenance program to insure their proper operation.

34.14. Fire Alarm Systems. Fire alarm systems are required to be installed in newly registered residential apartment buildings with dwelling units on or above the third floor or containing more than 16 dwelling units in accordance with the building and fire code. A separate fire alarm system is not required in buildings protected throughout by an approved supervised automatic fire sprinkler system that provides an alarm to alert occupants of a fire condition. All fire alarm systems must be properly tested and maintained by an approved licensed contractor at least annually, in accordance with the fire code, the electric code and NFPA Standard 72. An inspection tag, inspection certificate or proof of inspection must be provided.

34.15. Sprinkler Systems. Automatic fire sprinkler systems must be properly tested by an approved contractor at least annually in accordance with the fire code and NFPA Standard 13 or 13R. An inspection tag, inspection certificate or proof of annual testing must be provided.

34.16. Exits. Exits must comply with the building code.

## 34.HOUSING CODE: MINIMUM STANDARDS

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### 34.17. Emergency Escape or Rescue Openings in Sleeping Rooms.

Subdivision 1. Emergency escape or rescue openings must be provided in all sleeping rooms in accordance with the Building Code in effect at the time of construction. In any case, the escape opening must provide: (A) a minimum 24-inch clear, opening height; (B) a minimum 20-inch clear, opening width; (C) a minimum five square foot clear opening; and (D) a finished sill height not more than 48 inches above the floor. Such openings must be maintained clear of obstructions and in good operating condition at all times. The net clear opening dimensions must be the result of the normal operation of the opening and must not involve the use of keys, tools or special knowledge.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary:

- (A) Escape windows are not required if a building is protected throughout by an approved automatic fire sprinkler system; and
- (B) Escape windows need not be installed in rooms of existing buildings having two separate means of escape provided that the means of escape are independent of each other and they pass through only one adjacent non-lockable room or area.

34.18. Locking Devices. Subdivision 1. All building exit doors must be operable from the inside without the use of a key, or special knowledge or effort. Exit doors must not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices must be of an approved type.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary, exit doors from individual dwelling units having an occupant load of ten or less may be provided with a night latch, dead bolt or security chain, provided such devices are operable from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches above the finished floor.

34.19. Mechanical Rooms. Subdivision 1. Combustible material must not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary, mechanical rooms containing only equipment with sealed combustion chambers or rooms of sufficient size to maintain a three-foot clearance between any equipment and any combustible material may store combustible material.

## 34.HOUSING CODE: MINIMUM STANDARDS

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34.20. Fueled Equipment. Fueled equipment, including but not limited to motorcycles, mopeds, lawn care equipment and portable cooking equipment, must not be stored, operated or repaired within a residential building, except in a room constructed for that purpose in accordance with the Building Code.

34.21. Minimum Standards – Light and Ventilation. No person shall occupy or let to another for occupancy and dwelling or apartment for the purpose of living therein, which does not comply with the requirements of Sections 34.22 through 34.27.

34.22. Light and Ventilation. Subdivision 1. All habitable rooms must be provided with aggregate glazing of not less than eight percent of the floor area of such rooms. All habitable rooms must have an opening to the outdoors equal to four percent of floor area being ventilated.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary:

- A. Glazed areas need not be operable where the openings are not required by Section 34.17 and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room or a whole-house mechanical ventilation system installed capable of supplying outdoor ventilation air at a rate of 15 cfm per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
- B. Glazed openings need not be provided in rooms where subdivision 2(A) is satisfied and artificial light is provided capable of producing an average illumination of six-foot candles over the area of the room at a height of 30 inches above the floor level.

34.23. Light and Ventilation for Bathrooms, Etc. Subdivision 1. Every water closet compartment, bathroom or similar room must be provided with at least three square feet of window area, half of which is operable.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary, glazed openings are not required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates must be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation.

34.24. Electrical Equipment. All electrical equipment, wiring and appliances must be properly installed and maintained in a safe and approved manner. Every habitable space in a dwelling must contain at least two duplex receptacle outlets or one receptacle and

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## 34.HOUSING CODE: MINIMUM STANDARDS

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a ceiling type lighting fixture. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler and furnace room must contain at least one electric lighting fixture.

34.25. Lighting of Public Halls and Stairways. Every public hall and stairway in every apartment house containing five or more apartments must be lighted at all times so as to provide illumination of at least two foot candles on every part of such areas. Instead of full time lighting, a public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four apartments may be supplied with conveniently located light switches controlling an adequate lighting system that may be turned on when needed.

34.26. Screens. Subdivision 1. Every door opening directly from a dwelling or apartment to outside space, when required for light and ventilation purposes, and all operable windows must be supplied with screens. Such screens must have a mesh of not less than number 14, must be hung not later than June 1 of each year and must remain in place until at least October 15.

Subd. 2. Notwithstanding anything in subdivision 1 to the contrary:

- (A) Screens are not required in rooms located more than 50 feet above ground level;
- (B) Screens are not required in rooms having mechanical ventilation connected directly outside.

34.27. Basement Screens. Every basement window used or intended to be used for ventilation, and every other opening to a basement that might provide an entry for rodents, must be supplied with a screen or such other device as will effectively prevent their entrance.

34.28. Minimum Standards: Space, Use and Location. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living therein that does not comply with the requirements of Sections 34.29 through 36.

34.29. Area. Every single dwelling or apartment must contain at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area for every additional occupant thereof. Floor space must be calculated on the basis of total habitable room area.

34.30. Area of Sleeping Rooms. In every apartment of two or more rooms, every room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by more than one occupant

## 34.HOUSING CODE: MINIMUM STANDARDS

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must contain at least 50 square feet of floor area for each occupant thereof.

34.31. Access to Bathroom. Subdivision 1. No dwelling or apartment containing two or more sleeping rooms may have a room arrangement that requires access to a bathroom or water closet compartment to occur by going through another sleeping room. In addition, such room arrangement may not require access to a sleeping room to occur by going through a bathroom or water closet compartment.

Subd. 2. This section does not apply to a dwelling or apartment that was in existence on July 17, 1967, and is occupied only by the owner thereof.

34.32. Minimum Ceiling Heights. At least one-half of the floor area of every habitable room must have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling height is less than five feet may not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

34.33. Minimum Width. No habitable room other than a kitchen may be less than seven feet in any dimension. No water closet compartment may be less than 30 inches in width. There must be at least 21 inches of clear space in front of each water closet.

34.34. Basement Apartments. An apartment or rooming unit may be located in a basement when all of the following requirements are met:

- A. The floor and walls are adequately sealed from leakage of underground and surface run-off water.
- B. Proper ventilation is secured as required by Section 34.22.
- C. All habitable rooms are entirely sealed off from the central heating plant with a one-hour fire separation or other means approved by the Building Official. The central heating plant is provided with a combustion air intake installed in accordance with the Building Code.
- D. The basement must have at least one outside doorway.
- E. The unit is in compliance with all other applicable provisions of this Code.

34.35. Efficiency Apartment. Notwithstanding Section 34.34, an efficiency apartment as defined in the building code may be permitted if it satisfies all of the following requirements:

## 34.HOUSING CODE: MINIMUM STANDARDS

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- A. The efficiency apartment must have a habitable room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area must be provided for each occupant in excess of two of that apartment.
- B. The efficiency apartment must be provided with a kitchenette that is equipped and arranged for complete kitchen use.
- C. The kitchenette must be equipped with a tenant-operated electric exhaust fan not less than 100 cfm connected to the outside air. This requirement does not apply to an efficiency apartment constructed prior to September 17, 1967.
- D. The efficiency apartment must be provided with a separate bathroom meeting the requirements of this Chapter. This requirement does not apply to an efficiency apartment constructed prior to July 17, 1967,

34.36. Single Room Occupancy Units (SROs). A SRO as defined in section 32.07 may be permitted if it satisfies all of the following:

- A. The SRO unit must have a habitable room of not less than 120 square feet of superficial floor area. An additional 50 square feet of superficial floor area must be provided for each occupant in excess of two.
- B. The SRO unit shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be used within the unit. Heat producing food preparation appliances including but not limited to stoves, hot plates, electric fry pans, crock pots, and toaster ovens shall not be used or stored within the unit.
- C. The SRO unit must be provided with a separate bathroom meeting the requirements of this chapter or shared facilities in accordance with the fixture requirements of the Building Code in affect at the time of issuance of the initial registration certificate.

34.37. Location of Bathroom and Water Closet Compartments. There must not be an opening from a room in which a bathroom or water closet compartment is located into a kitchen or kitchenette area. This section does not apply to a bathroom or water closet compartment constructed prior to July 17, 1967.



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## 34.HOUSING CODE: MINIMUM STANDARDS

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34.38 Identification of Rental Facilities. All buildings must have address numerals on the front of the building as close to the main entrance as practicable. Lettering must be at least four inches in height, be of a contrasting color to the background and be plainly legible from the street. The entrance door to every apartment or rooming unit in any dwelling must be plainly marked on the outside, either numerically or alphabetically.

(1406, 7/17/67; 1450, 5/6/68; 1476, 12/16/68; 1739, 12/13/73; 1816, 8/18/75; 2569, 10/5/87; 2870, 4/6/93; 2997, 8/8/95; 3611, 1/21/04; 3818, 6/4/07)