

# St. Paul, Minnesota Housing Code

## Chapter 34. Minimum Property Maintenance Standards for All Structures and Premises\*

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## **Sec. 34.01. Declaration of policy.**

The purpose of this chapter is to protect the public health, safety and welfare in all structures and on all premises by enactment of this ordinance (C.F. No. 05-740) which:

- (1) Establishes minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, heating and sanitation; for safety from fire; for crime prevention; for space, use and location; and for safe and sanitary maintenance of all structures and premises.
- (2) Determines the responsibilities of owners, operators and occupants of all structures and premises.
- (3) Provides for administration, enforcement and penalties.
- (4) Promotes the stabilization and maintenance of structures and premises.

## **Sec. 34.02. Findings of council.**

There exist in the city structures which are now or which may in the future become substandard with respect to structure, equipment, maintenance or energy efficiency. That such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions and overcrowding, constitute a menace to public health, safety and welfare of its citizens. It is further found and declared that the existence of such conditions, factors or characteristics adversely affects public health and safety and leans to the continuation, extension and aggravation of urban blight. It is further found that adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of minimum property standards.

## **Sec. 34.03. Applicability and scope.**

Every portion of a structure occupied or intended to be occupied for residential purposes and its premises shall comply with sections 34.01 through 34.30 and non-residential property shall comply with sections 34.01 through 34.07 and sections 34.18 through 34.36, irrespective of when such structure shall have been constructed, altered or repaired. Any alterations thereof or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with applicable sections of the Minnesota Building Code and the St. Paul Zoning Code. Nothing in this chapter shall be applicable to rest homes, convalescent homes, nursing homes or hotels, except that hotels shall meet the requirements of Chapter 407 of the Saint Paul Legislative Code.

## **Sec. 34.04. Pre-existing structures and buildings.**

This chapter establishes minimum standards for the occupancy of all structures and buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of building equipment or facilities.

## **Sec. 34.05. Short title.**

This chapter shall be called the "Minimum Property Maintenance Standards for Structures and Buildings" and may be cited as the "Property Maintenance Code."

## **Sec. 34.07. Definitions.**

*Basement.* That portion of a building partly below grade but so located that the vertical distance from grade to floor is not greater than the vertical distance from the grade to the ceiling. Provided, however, that if the vertical distance from the grade to the ceiling is five (5) feet or more, such basement shall be counted as a story.

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- *Extermination.* The control and/or elimination of insects, rodents or other pests by recognized programs of integrated pest management which includes sanitation, harborage control and the use of approved pesticides, trapping and other legal pest elimination methods.
- *Infestation.* The presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.
- *Openable or openable area.* That part of a window or door which is available for unobstructed ventilation or escape and which opens directly to the outdoors.
- *Professional state of maintenance and repair.* Whenever the words "professional state of maintenance and repair" are used in this chapter, they shall mean that such maintenance and repair shall be made in a reasonable and skillful manner.
- *Ventilation.* The process of supplying and removing air by natural or mechanical means to or from any space.
- *Ventilation, mechanical.* Ventilation by power-driven devices.
- *Ventilation, natural.* Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

### Sec. 34.08. Exterior property areas.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to drain water away from occupied structures and minimize the accumulation of water on such premises.
- (3) *Ground cover.* Every residential premises shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by paving with asphalt, concrete or by such other suitable means as shall be approved by the enforcement officer.
- (4) *Insect and rodent infestations.* It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises.
- (5) *Accessory structures.* All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Service doors to accessory structures shall be provided with securing locks.
- (6) *Stored materials.* It shall be unlawful to accumulate and store building material, lumber, boxes, cartons, portable storage containers, inter modal cargo containers or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage.
- (7) *Parked or stored vehicles.* All parking spaces shall be paved with asphalt, concrete or other durable, dustless surfacing, or with crushed rock as determined by the enforcement officer. Before any existing spaces may be paved, site plan approval must be obtained as specified in the Saint Paul Zoning Code and the lot must be developed in conformance with such approval.
- (8) *Refrigerators and accessible containers.* It shall be unlawful to permit a refrigerator or other container, sufficiently large to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.

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- (9) *Exterior lighting.* Exterior lighting at garages and surface parking areas of buildings containing three (3) or more dwelling units shall be illuminated an average of one (1) footcandle at the pavement. Exterior lighting shall be in conformance with city ordinances and codes.
- (10) *Exterior sidewalks, walkways and stairs.* All sidewalks, walkways and exterior stairs shall be maintained in a safe, sound condition, free of defects and hazards.

### Sec. 34.09. Exterior structure.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Foundations, walls, roof and other exterior surfaces.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair.
  - a. The foundation elements shall adequately support the building at all points.
  - b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit dampness to the interior portions of the wall or to the interior spaces of structures.
  - c. All exterior surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment.
  - d. Exterior surfaces of residential structures or accessory thereto shall not have exposed accumulative paint or other surface-covering material containing lead equal to or greater than one-half of one (0.5) percent by weight or in excess of one (1) milligram per square centimeter of surface area if such paint or surface-covering material is blistered, cracked, flaked, scaled or chalked away.
  - e. The roof shall be tight and kept in a professional state of maintenance and repair, impervious to water and have no defects which admit water or dampness to the interior of the building. No building roof shall be used for storage of any materials or objects unless approved by the enforcement officer.
- (2) *Stairs, porches, decks and railings.*
  - a. Every outside stair, porch and deck shall be constructed safely and shall be capable of supporting a load as determined in the building code and shall be kept in sound condition and good repair. Every stairway, porch, deck or step which is more than thirty (30) inches above grade shall have guardrails and intermediate rails, no more than six (6) inches apart or in accordance with the current building code, or maintained in accordance with the building code in effect when originally constructed. If deemed hazardous by the enforcement officer it shall be brought into compliance with state building code.
  - b. Every flight of stairs which is more than three (3) risers high shall have handrails in accordance with the building code or maintained in accordance with the building code under which it was originally constructed.
  - c. Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected so as to be in compliance with the building code.
- (3) *Windows, doors and hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
  - a. Windows shall be fully supplied with window panes which are without open cracks or holes;
  - b. Sashes shall be in sound condition and fit reasonably tight within the frame; and
  - c. Every window, other than a fixed window, shall be capable of being easily opened and have hardware to hold it in the open position. Locking hardware shall be required on all windows

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- up to and including the second story and every other window which is accessible by a deck, porch or other walking surface.
- d. Every basement window which is openable shall be supplied with a screen or hardware cloth of not more than sixteen (16) mesh per inch which fits tightly and is securely fastened to the frame, or with other materials affording equivalent protection. Basement windows required for egress can be equipped with bars or hinged units with hasps and padlocks that can be easily opened from the interior for emergencies. Basement windows not required for egress can be equipped with nonopenable bars.
  - e. Every window required for ventilation, or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch.
  - f. Every exterior door and its hardware shall be in sound condition and fit within its frame.
  - g. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
  - h. Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key. Exceptions to the requirements of this subsection for single-family homes and grade level duplex and townhouse units are contained in Minnesota Statutes Section 16B.61, subdivision 3(h).
  - i. Every entry door to a dwelling or rooming unit including service doors leading from the attached garage shall be substantially secure from illegal entry and shall be provided with a one-inch throw deadbolt lock as defined in section 34.07. Doors replaced shall be replaced with solid core, solid wood, three-fourths-inch panel or metal door and frame. Hinges must be placed on the inside of the solid door. Door frames must be in good condition, have secure metal deadbolt lock strike plates, and six-inch security plates if possible.
  - j. Patio and glider doors. Provide a removable track filler in the lower track, a hand-operated vertical or horizontal bolt lock or a horizontal locking bar inserted directly into the middle frame of the patio door.

### Sec. 34.10. Interior structures.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) **Basements.** Every basement and crawl space shall be maintained reasonably free from dampness and free of any mold or mildew. Every basement area accessible to tenants shall have its floor paved with concrete or other durable, dustless surfacing to permit such floor to be kept in a clean and sanitary condition.
- (2) **Structural members.** The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration and shall be capable of bearing imposed loads in accordance with the provisions of the building code or shall be maintained in accordance with the building code in effect when originally constructed.
- (3) **Stairs.**
  - a. Every stairwell shall be constructed safely and be capable of supporting a load as determined in the building code, or must be maintained in accordance with the building code which was in effect when the stairs were originally constructed. All stairs shall be kept in sound condition and good repair. Every stairway, porch, deck or step which is more than thirty (30) inches above grade shall have guardrails and intermediate rails no more than six (6) inches apart and in accordance with the building code and shall be maintained in a professional state of repair or if altered brought into compliance with the state building code. If deemed

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hazardous by the enforcement officer it shall be brought into compliance with the state building code.

- b. Every flight of stairs which is more than three (3) risers high shall have handrails in accordance with the building code. Stairs, steps, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected in accordance with the building code.
- (4) ***Bathroom floors.*** Every toilet room and bathroom floor surface shall be constructed and maintained substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
- (5) ***Sanitation.*** The interior shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.
- (6) ***Insect and rodent harborage.*** Every owner of a structure shall be responsible for the control and/or elimination of insects, rodents or other pests wherever infestation exists.
- (7) ***Interior walls, floors, ceilings, woodwork and cabinets.*** All interior walls, floors, ceiling, woodwork and cabinets must be maintained in a sound condition and in a professional state of maintenance and repair.
- (8) ***Use of paint containing lead:***
  - a. No person shall apply paint or other surface-covering material containing lead equal to or greater than six-hundredths (0.06) percent by weight of the total solids contained in such paint or surface-covering material to the interior or exterior surface of any residential structure.
  - b. No interior surface of any residential structure or accessory thereto shall have exposed accumulated paint or surface-covering material containing lead equal to or greater than one-half of one (0.5) percent by weight, or in excess of one (1) milligram per square centimeter of surface area if such paint or surface-covering material is blistered, cracked, flaked, scaled or chalked away.

### **Sec. 34.11. Basic facilities.**

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) ***Toilet and hand sink.*** Every dwelling unit shall contain within its walls a room, or adjacent rooms, separate from the habitable rooms, which affords privacy and which is equipped with a toilet and hand sink. In every structure, every water line, plumbing fixture, drain, stack, waste, vent and sewer line shall be properly installed, connected and maintained in proper working order, and must be kept free from obstructions, leaks and defects and capable of performing the function for which it was designed and installed. All repairs and installations must be made in accordance with the provisions of the plumbing code.
- (2) ***Bathtub or shower.*** Every dwelling unit shall contain a room which affords privacy to a person in the room and which is equipped with a bathtub or shower.
- (3) ***Kitchen sink.*** Every dwelling unit shall contain a kitchen sink apart from the hand sink requirement in paragraph (1) of this section.
- (4) ***Connected to water and sewer system.*** Every kitchen sink, hand sink, bathtub, shower, toilet or urinal which is supplied must be connected to an adequate water and sewer system in accordance with the plumbing code. Each of these facilities shall be supplied with running water. Every kitchen sink, hand sink, bathtub or shower shall be supplied with adequate hot and cold running water.
- (5) ***Water heating facilities.*** Every residential building or residential portion of a building shall have water heating facilities installed in accordance with the plumbing code, properly maintained and

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properly connected with hot water lines required under paragraph (4) of this section and which are capable of heating water to a minimum temperature of one hundred twenty (120) degrees Fahrenheit and shall be limited to a maximum temperature of one hundred thirty (130) degrees Fahrenheit at any time needed. An adequate amount of water shall be available at every kitchen sink, hand sink, bathtub, shower and laundry facility or other similar units.

- (6) *Heating facilities.* Every residential building or residential portion of a building shall have heating facilities that are properly installed, safely maintained and in good working condition, and capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit with an outside temperature of minus twenty (-20) degrees Fahrenheit. The owner shall maintain a minimum room temperature of sixty-eight (68) degrees Fahrenheit at five (5) feet above the floor. Installation, repair or alteration of heating facilities, space heaters and water heating facilities shall be in accordance with the Legislative Code, Chapter 33, and the state mechanical code. The enforcement officer may require the owner of residential property to provide current proof of service of any heating or space heating facility by a licensed contractor, which must include a carbon monoxide reading. Every space heating, cooking and water heating device located in a structure shall be properly installed, connected, maintained and capable of performing the function for which it was designed in accordance with the provisions of the plumbing and mechanical codes.
- (7) *Mixed municipal solid waste storage and removal.* Every residential building shall be supplied with approved containers which are of sufficient quantity and capacity to store all the mixed municipal solid waste from the unit and which are equipped with tight-fitting covers for storage of mixed municipal solid waste. Mixed municipal solid waste shall be collected at least weekly by a licensed refuse hauler. In all residence buildings, it shall be the responsibility of the owner to provide the containers and contract with a licensed hauler for collection of the mixed municipal solid waste, in accordance with section 357.05(g)(1).
- (8) *Refuse and garbage storage.* The owner of every residential building shall supply sufficient approved containers with covers impervious to weather for storage of refuse and garbage.

### Sec. 34.12. Installation and maintenance.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Private wells.* In all dwellings or multiple dwellings serviced by a private well for drinking water purposes, coliform bacteria and nitrate testing of water shall be conducted by the property owner every two (2) years. It shall be the responsibility of the property owner to either:
- Submit well water samples to the division of public health for testing and analysis; or
  - Contract with a laboratory certified by the state department of health for collection, testing and analysis. Within thirty (30) days of the testing, a copy of the test results shall be submitted by the property owner to the office of license, inspections and environmental protection, along with such fee as may be set by the city council. The office of license, inspections and environmental protection shall then issue a certificate to the property owner, effective for two (2) years, verifying that the water samples are within the standards set for public health. All repairs and installations shall be made in accordance with the provisions of Minnesota Water Well Construction Code, Chapter 4725.
- (2) *All facilities and equipment.* All required and supplied equipment and all building space and parts in every residential building shall be constructed and maintained to properly and safely perform their intended function in accordance with the provisions of the applicable code.

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### Sec. 34.14. Light and ventilation.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Light and ventilation in habitable rooms.*
  - a. Light and ventilation shall be provided to every habitable room by means of an openable window as specified in (b) or artificial light in accordance with state building code.
  - b. Minimum total window area measured between stops for every habitable room shall be eight (8) percent of the floor area of such room. The openable area of the window shall be fifty (50) percent of the minimum light requirements of this section, except where an approved mechanical ventilation system has been provided according to the state building code.
  - c. Windows shall not be required in kitchens of dwelling units when such kitchen has a clear, unobstructed opening of fifty (50) percent of the common wall to an adjoining habitable room and when the kitchen is provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room, referred to above, shall be of sufficient size so as to provide for the light and ventilation requirement of the kitchen area as well as for the adjoining habitable room.
- (3) *Ventilation and light in bathroom and toilet room.* Every bathroom and toilet room shall comply with the window ventilation requirements for habitable rooms contained in paragraph (1) of this section, except that no window shall be required in bathrooms or toilet rooms equipped with an approved mechanical ventilation system.

### Sec. 34.16. Responsibilities of occupants relating to the maintenance of dwelling units.

- (1) *Cleanliness.* Every occupant of a dwelling unit or rooming unit shall keep in a clean and sanitary condition that part of the premises thereof which the occupant occupies or controls.
- (2) *Disposal of refuse and garbage.* Every occupant of a dwelling unit or rooming unit shall dispose of all his/her refuse and garbage in a clean and sanitary manner by placing it in approved refuse and garbage containers required by this chapter.
- (3) *Use and operation of supplied fixtures.* Every occupant of a dwelling unit shall keep the supplied fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- (4) *Installation and care of fixtures furnished by occupant.* Every fixture furnished by the occupant shall be properly installed, shall be maintained in good working condition and shall be clean, sanitary and free from defects, leaks or obstructions in accordance with the building code.

### Sec. 34.22. Dangerous structures.

If in the opinion of the enforcement officer any building or structure, or part thereof, is deemed to be in an unsafe condition and dangerous to life, limb or property, the officer shall proceed to have the building or structure condemned pursuant to the applicable provisions of the Minnesota Statutes Chapter 463, or Chapter 45 of this Code, pertaining to hazardous or dangerous structures.

### Sec. 34.24. Excessive consumption of city services.

- (1) *Council findings.* The city council finds that some property owners take little or no responsibility for the maintenance of their property until the city, through its various inspections programs, has repeatedly ordered them to remedy violations of the property maintenance chapters of the Saint Paul Legislative Code. Such property owners create excessive costs for the city which are over and above

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the normal cost of providing inspection services city-wide. Property owners who must repeatedly be ordered to remedy code violations on their property consume an unacceptable and disproportionate share of limited city resources. Therefore, it is the intent of the city council, by the adoption of this section, to impose and collect the costs associated with reinspections and the excessive consumption of city inspection services. The collection of such costs for certain properties shall be by assessment against the real property requiring such excessive inspection or reinspection services, pursuant to Minnesota Statutes, Section 429.101, which authorizes the council to provide for reinspection fees to be collected by special assessment and allows cities to collect the costs associated with removal or elimination of public health or safety hazards and chapter 14 of the Saint Paul City Charter.

- (2) *Definitions.* For the purpose of this chapter, the terms defined in this section shall have the meanings ascribed to them:
- *Excessive initial inspection* means an inspection and observation of a new violation by an enforcement officer at a specific property address after an enforcement officer has conducted two prior initial inspections within a twelve-month period and found violations of the Saint Paul Legislative Code under the jurisdiction of the department of neighborhood housing and property improvement, where the owner was notified in writing pursuant to section 34.24(3).
  - *Excessive inspection services fee* means the fee to be imposed for a reinspection or excessive initial inspection. The fee shall include, but not be limited to: the prorata salaries of enforcement officers performing inspections of the subject property; the prorata cost of equipment, materials and all other overhead costs used during inspection of the subject property, including ownership searches and administrative and clerical costs; and the costs of any medical treatment of enforcement officers injured as a result of these inspections.
  - *Reinspection* means that an enforcement officer has conducted an inspection of the premises based upon a complaint or otherwise had occasion to view the premises and observed a violation of any provision of the St. Paul Legislative Code under the jurisdiction of the department of neighborhood housing and property improvement, issued a written notice of the violation(s), and reinspected the premises to determine compliance with the notice and found noncompliance.
- (3) *Initial inspection by enforcement officer; written notice.*
- (a) *Written notice of violations.* When an enforcement officer conducts an initial inspection of a premises and determines that violations of the provisions of the legislative code under the jurisdiction of the department of neighborhood housing and property improvement exist, the enforcement officer shall, in addition to any other action the enforcement officer may undertake, serve written notice of the violation in conformance with the requirements set forth in section 34.21 of this chapter.
  - (b) *Notice for collection of reinspection costs and excessive initial inspection costs.* If the enforcement officer intends to collect the city costs for reinspections and excessive initial inspections, then the written notice provided for in sections 34.24.(3)(a) and 34.21 must also:
    1. State that if the violations are not corrected within the time period or periods required in the notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner or owners rather than being paid by the taxpayers of the city; and
    2. State that if additional new violations of the legislative code under the jurisdiction of the department of neighborhood housing and property improvement are discovered by enforcement officers within the next following twelve (12) months, the city's costs in conducting any additional inspections at the same location within such twelve (12)

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months will be collected from the owner or owners rather than being paid by the taxpayers of the city; and

3. State that such future costs will be collected by assessment against the real property.