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CHAPTER 4

CONSTRUCTION LICENSING, PERMITS AND REGULATION

SECTION 4.01. MINNESOTA BUILDING CODE ADOPTED.

Subdivision 1. Application, Administration and Enforcement.

The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300.

The code enforcement agency of this municipality is called the City of Westbrook. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota Statute 16B.65, Subd. 1.)

Subdivision 2. Permit and Fees.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, Subd. 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality.

Subdivision 3. Violations and Penalties.

A violation of the code is a misdemeanor (Minnesota Statute 16B.69) and Minnesota Rules, Chapter 1300.

Subdivision 4. Building Code.

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16.75 is hereby adopted as the building code for this municipality. The code is hereby incorporated in this ordinance as fully set out herein.

A. The Minnesota State Building code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2006 International Building Code;
6. 1307, Elevators and Related Devices;
7. 1309, Adoption of the 2006 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2005 National Electrical Code;
10. 1325, Solar Energy Systems;
11. 1330, Fallout Shelters;

12. 1335, Floodproofing Regulations;
13. 1341, Minnesota Accessibility Code;
14. 1346, Adoption of the Minnesota State Mechanical Code;
15. 1350, Manufactured Homes;
16. 1360, Prefabricated Structures;
17. 1361, Industrialized/Modular Buildings;
18. 1370, Storm Shelters (Manufactured Home Parks);
19. 4715, Minnesota Plumbing Code;
20. 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code

SECTION 4.02. RESERVED FOR FUTURE EXPANION.

SECTION 4.03 RESERVED FOR FUTURE EXPANSION.

SECTION 4.04. RESERVED FOR FUTURE EXPANSION

SECTION 4.05. BUILDING PERMITS REQUIRED.

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building or mechanical permit for each such building, structure or mechanical components from the City.

SECTION 4.06. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

Subdivision 1. Definition.

"Street" or "Streets" as used in this Section means all streets and highways in the City which are not State trunk highways, County State-aid highways, or County roads.

Subdivision 2. Moving Permit Required and Application.

- A. It is unlawful for any person to move a building on any street without a moving permit from the City.

- B. The application for a moving permit shall state the approximate size and weight of the structure or building proposed to be moved, together with the places from and to which it is proposed to move the same, and proposed route to be followed, proposed dates and times of moving and parking, and the name and address of the proposed mover. Such application shall also state any municipal utility, street, and public property repairs or alterations that will be required by reason of such movement.

Subdivision 3. Permit and Fee.

The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving his own building, or a person moving a building which does not exceed 12 feet in width, 25 feet in length, or 16 feet in loaded height. Fees to be charged shall be separate for each of the following: (1) a moving permit fee to cover use of streets and route approval, and (2) a fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. The latter shall be paid in advance.

Subdivision 4. Building Permit and Code Compliance.

Before any building is moved from one location to another within the City, or from a point of origin without the City to a destination within the City, regardless of the route of movement, it shall be inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

Subdivision 5. Proof of Tax Payment.

It is unlawful to move any building (including a manufactured home) if the point of origin or destination (or both) is within the City, and regardless of the route of movement, without having paid in full all real and personal property taxes and special assessments due thereon, and filing written proof of such payment with the City Clerk-Treasurer.

SECTION 4.07. UNIFORM HOUSING CODE.

Subdivision 1. The Uniform Housing Code.

A. The Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials, is hereby adopted by reference as though set forth verbatim herein.

B. The Uniform Housing Code provides for the application, administration, and enforcement of the Housing Code by regulating the minimum standards for building maintenance and occupancy, building use and parking of all dwellings and/ or structure in this Municipality, and provides for penalties for violation.

Subdivision 2. Purpose

The purpose of this Section is to protect the public health, safety, and the general welfare of the people of this city. The general objectives include, among others, the following:

- A. To protect the character and stability of all buildings and property within the city.
- B. To correct and prevent 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 buildings within the City of Westbrook.
- C. To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
- D. To provide minimum standards for light and ventilation, necessary to health and safety.
- E. To prevent the overcrowding of dwellings by providing space standards per occupant for each dwelling.
- F. To provide minimum standards for the maintenance of existing buildings, and to thus prevent slums and blight.
- G. To preserve the value of land and buildings throughout the City.

Subdivision 2. Intent

With respect to rental disputes, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to complaints for tenant or landlords, which are not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. Neither in enacting this ordinance is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

Subdivision 3. Application.

Every building, as well as its premises, and all occupied premises within Westbrook shall conform to the requirements of this ordinance, irrespective of when such building may have been constructed, altered, or repaired.

Subdivision 4. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Approved- Acceptable to this jurisdiction
2. Accessory Building- A structure subordinate to the main or principal building which is not authorized nor used for living or sleeping by human occupants and which is located on or partially on the premises.
3. Building- Any structure used or intended for supporting or sheltering any use or occupancy.
4. Compliance Official- The Building Official
5. Dwelling- A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two family dwellings, and multiple family dwellings, but not including hotels and motels.
6. Dwelling Unit- A single residential accommodation which is arranged, designed, used, or if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.
7. Family- One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than six persons not all so related, maintaining a common household in a dwelling unit and using common cooking and kitchen facilities.
8. Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency.
9. Flush Water Closet- An approved toilet system with a bowl and trap made in one piece connected to the city water and sewer system.
10. Garbage- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

11. Habitable Building- Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.
12. Habitable Room- A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.
13. Heated water- Water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature required by government authority, measured at the faucet outlet.
14. Kitchen- A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for storage of cooking utensils.
15. Multiple Family Dwelling- A dwelling or portion thereof containing three or more dwelling units.
16. Non residential Building- All other buildings or structures other than dwellings or dwelling units.
17. Occupant- Any person (including owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit or premise.
18. Permissible Occupant Load- The maximum number of persons permitted to occupy a building or space within a building.
19. Person- An individual, firm, partnership, association, corporation or joint venture or organization of any kind.
20. Refuse- All putrescible and non-putrescible waste solids including garbage and rubbish.
21. Repair- To restore to a sound and acceptable state of operation, serviceability or appearance.
22. Rodent Harborage- Any place where rodents can live, nests, or seeks shelter.
23. Rooming unit- Any room or group of rooms forming a single habitable unit used for living or sleeping but not for cooking and eating purposes.

24. Safety- The condition of being reasonably free from danger and hazards which may cause accidents and diseases.
25. Structure- That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
26. Substandard Building- Any dwelling which does not conform to the minimum standards established by City Ordinances.

Subdivision 5. Responsibilities of Owners

No owner or person shall occupy or let another person occupy any building, unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota and the City of Westbrook.

Subdivision 6. Maintenance of Shared or Public Areas

Every owner of a building shall maintain in a clean, sanitary, and safe condition, the shared or public areas of the building or premises thereof.

Subdivision 7. Maintenance of Occupied Areas

All occupants of a building shall maintain in a clean, sanitary, and safe condition that part or those parts of the building, and premises there of that they control.

Subdivision 8. Storage and Disposal of Rubbish

All occupants of a building shall store and dispose of all their rubbish in a clean, sanitary, and safe manner as described in chapter 8 of the city code.

Subdivision 9. Storage and Disposal of Garbage

All occupants of a building shall store and dispose of all their garbage in a clean, sanitary, and safe manner as described in chapter 8 of the city code within 7 days.

Subdivision 10. Responsibility for Pest Extermination

Every occupant of a dwelling containing a single dwelling unit or an occupant of a non residential building containing a single unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a nonresidential building containing more than one unit shall be responsible for such extermination whenever their unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a building in a reasonable rodent proof or reasonable vermin proof condition, extermination shall be the responsibility of the owner. Whenever extermination is the responsibility of the owner, the extermination must be performed by a licensed pest control contractor.

Subdivision 11. Rodent Harborage Prohibited in Occupied Areas

No occupant of a building shall accumulate boxes, lumber, firewood; scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling unit or building. Stored materials shall be stacked neatly.

Subdivision 12. Sanitary Maintenance of Fixtures and Facilities

Every occupant of a building shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Subdivision 13. Minimum Heating Capability and Maintenance

In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than an occupant, a temperature of at least 68 degrees Fahrenheit shall be maintained 3 feet above the floor.

Subdivision 14. Removal of Snow and Ice

Every occupant and/or owner shall be responsible for the removal of snow or ice from the parking lots, sidewalks, and driveways on the premises. Individual snowfalls of two inches or more, or successive snowfalls accumulating to a depth of two inches, shall be removed from parking lots and driveways within 24 hours after the cessation of snow to a depth of one inch, and shall be removed from steps and walkways within the time specified in chapter 8 of the city code.

Subdivision 15. Maintenance of Driving and Parking Areas

A. The owner of a building shall be responsible for providing and maintaining in good condition and delineating parking areas and driveways. No parking shall be permitted in the front setback (front yard) of a residential zone unless it is an approved driveway or parking area.

B. Exemption: During snowfall or snow removal.

Subdivision 16. Maintenance of Yards

The owner shall be responsible for providing and maintaining premises yards consistent with chapter 8 of the city code.

Subdivision 17. Foundations, Exterior Walls and Roofs

The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other which might admit rain or dampness to the interior portion of the walls or the exterior spaces of the building. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or determined by the code enforcement officer to be paint blistered, the surface shall be painted. If the exterior surface of the pointing on any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

Subdivision 18. Windows, Doors, and Screens

Every window, exterior door, and other exterior openings, shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents from entering the building. Every operable window shall be supplied with 16 mesh screens during the insect season and shall be equipped with an approved lock if located less than six feet above grade.

Subdivision 19. Facilities to Function

Every supplied facility, piece of equipment or utility required under city ordinances, and every chimney and flue, shall be installed and maintained and shall function effectively in a safe, sound and working condition.

Subdivision 20. Permissible Occupancy per Dwelling Unit

The maximum permissible occupancy of any dwelling unit shall be determined as follows:

1. For the first occupant, 150 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
2. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen in the dwelling unit.

3. Not more than one family, except for temporary guests shall occupy a dwelling unit.

Subdivision 21. Basements not Permissible for Living

Basements unfinished shall not be occupied for the purpose of living.

Subdivision 22. Commencement of Proceedings

Whenever possible, a building inspection shall be initiated within three (3) business days of receipt of any complaint alleging a particular building to be substandard. Whenever the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

Subdivision 23. Notice and Order

The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous.
3. A statement of the action required to be taken as determined by the Building Official.
 - (i) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed thirty (30) days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all circumstances.
 - (ii) If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official.
4. Statements advising that if any required repair or demolition work (without vacation being required) is not commenced within the time specified, the Building Official:
 - (i) Will order the building vacated and posted to prevent further occupancy until the work is completed; and

- (ii) May proceed to cause the work to be done and charge the cost thereof against the property or its owner.
5. Statements advising: That any person having record title or legal interest in the building may appeal from the notice and order any actions of the Building Official.

Subdivision 24. Appeals

Any person aggrieved by any notice or order of the Building Official issued under this Ordinance may file a petition with the City Clerk within ten (10) days after the notice or order.

- A. Upon receipt of the review, the City Clerk, or designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.
- B. At the hearing, the petitioner shall be given an opportunity to show why the notice or order should be modified or withdrawn. The petitioner may be represented by counsel at his/her expense.
- C. The hearing shall be conducted by the City Clerk, provided he/she did not participate in the drafting of the order.

Subdivision 25. Appeal to Council

Any decision rendered pursuant to "Appeals Subdivision" may be appealed to the City Council (Housing Board). A petitioner seeking a decision must file written notice of appeal with the City Clerk within ten (10) days after the decision of the City Clerk. The matter will thereupon be placed on the City Council Agenda as soon as practical. The City Council shall review the findings of fact and conclusions to determine whether they were correct. The City Council may modify, reverse, or affirm the decision of the City Clerk upon the same standard set forth in the previous subdivision (Appeals).

Subdivision 25. Enforcement

Violation of this Ordinance shall be a petty misdemeanor and/or remedied by the guidelines set forth by this ordinance.

SECTION 4.08 RENTAL HOUSING

Subdivision 1. Definitions

The following terms as used in this section shall have the following meanings.

1. The term "dwelling unit" means any building, structure or enclosure, including any mobile home, rented or offered for rent by any person or persons for use for rent by any person or persons for use for residential purposes by such other person or persons.
2. The "long-term hotel dwelling unit" means dwelling unit in any hotel, as defined in Minnesota Statutes, Section 157.01, which dwelling unit is held out or available to the public for use for sleeping or residential purposes for period of one week or more.
3. The term "rooming house dwelling unit" means any dwelling unit in any building or structure, which building or structure is used or held out to be a place where sleeping accommodations are furnished to the public as regular roomers for periods of one week or more.

Subdivision 2. License Required

It is unlawful for any person, as the owner, manager, or other person having control of any dwelling unit, to lease, rent, or permit to be leased or rented, any dwelling unit within the city without first having obtained a dwelling unit license for such dwelling unit from the City.

Subdivision 3. License and Fees

- A. The application for a license shall be made and filed on a form furnished by the City Clerk for such purpose and shall set forth the name, residence address and phone number of the owner of the dwelling unit or the agent authorized by the owner to receive and give receipt for notices in cases where the owner of the dwelling unit does not reside within the City.
- B. The annual dwelling rental license fee for each long-term hotel or rooming house dwelling unit shall be established by the City Council.
- C. The annual dwelling rental license fee for complete dwelling or project, not per unit, other than a long-term hotel or a rooming house dwelling shall be established by the City Council.
- D. The annual dwelling unit rental license fee for each mobile licensed Park or Project shall be established by the City Council.
- E. The Fee for a re-inspection for non-compliance shall be established by the City Council.

Subdivision 4. License Expiration.

Each license issued pursuant to this section shall expire on the 31st day of December of the year in which such license is issued.

Subdivision 5. Inspection.

Upon receipt of an application for any dwelling unit rental license, the City Clerk shall forward a copy of such application to the City Council, whereupon the City Council, shall at the regular scheduled council meeting, inspect the dwelling unit to be licensed to determine whether such unit complies with provisions of applicable codes (Uniform Fire Code most recent edition, & Uniform Housing Code most recent edition.) No dwelling unit rental license shall be issued by the City unless the dwelling complies with the provisions of the City Code which pertain to such dwelling unit.

Subdivision 6. Register of Occupancy.

Each owner of a dwelling unit within the City rented or offered for rent for residential purposes shall maintain a register of occupancy for each such dwelling unit, which register shall be available for examination by City officials, and shall include the following information:

- A. The address of the dwelling unit
- B. The number of bedrooms per unit
- C. The names of the current occupants per unit
- D. The maximum number of people permitted per dwelling unit

Subdivision 7. Agent Required.

Each owner of a dwelling unit within the City, rented or offered for rent for residential purposes, which owner does not reside within the city shall, by written document executed and acknowledged by such owner, appoint an agent residing within the City, upon which agent City may serve notices pertaining to the administration of this section or of any provisions effective as if made upon such owner.

Subdivision 8. Exception.

This section shall not apply to any hotel, motel room or related facility licensed by the State of Minnesota.

Subdivision 9. Transfer of License.

No licenses issued shall be transferred pursuant to this section to another party, provided that a new owner shall apply and if approved, will be granted a new license.

Subdivision 10. Refuse Removal.

- A. Duty to provide removal. The occupant of each dwelling unit within the City rented for residential purposes shall provide for such dwelling unit refuse and garbage removal service , whereby refuse and garbage shall be removed from the premises upon which such dwelling unit is located at least once every seven (7) days for a dwelling unit rental license issued pursuant to this section. Failure of the occupant to comply with provisions of this section shall constitute a violation.

Subdivision 11. Conduct on Licensed Premises. Violations, provisions for penalty.

- A. The renter/occupant shall be responsible to conduct themselves in such a manner as to not cause the premise to be in noncompliance of the City of Westbrook Municipal Codes Chapter eight (8).
- B. The City Council shall be charged with the responsibility of enforcing this section.
- C. Upon determination by the City Council that the licensed premises is out of compliance, the City Council shall notify the license holder by regular mail of such violations.
- D. If another violation occurs within twelve (12) months of an incident for which notice in paragraph C of this Subd. was given, the license holder shall be notified of the violation and shall also be required to meet with the City Clerk and the City Council.
- E. If another instance of disorderly use of the premises occurs within twelve (12) months after receipt of notices pursuant to Paragraph C and D, the dwelling unit rental license may be revoked or suspended for such unit by action of the City Council. Such suspension or revocation may be for all units in a given building address. Upon suspension or revocation, a licenses holder shall pay to the City a reinstatement fee equal to three hundred dollars (\$300.00). A suspension may be stayed subject to payment of the applicable reinstatement fees and no further violations for a period of time.
- F. No suspension or revocation shall be imposed where the instance of violation occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the license holder to a tenant to vacate the premises where the violation was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions, however, unless they are diligently pursued by the license holder.
- G. All written leases for property subject to provisions of this ordinance after it's effective date shall contain a clause providing that tenants violating provisions of this ordinance shall constitute a material breach of the lease and are grounds for termination of such lease.

SECTIONS 4.09 THRU 4.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 4.99. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.