

by the mayor, attested by the city clerk and countersigned by the city comptroller of such city, and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold at less than ninety-five per cent of their par values and accrued interest, and then only to the highest responsible bidder therefor.

Sec. 4. **Application.**—This act shall not apply to any city operating under a home rule charter, framed pursuant to section 36 of article 4 of the constitution of Minnesota.

Sec. 5. **In addition to existing powers.**—The powers granted by this act are in addition to all other existing powers of such cities.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 25, 1919.

CHAPTER 517—H. F. No. 575.

An act to amend Chapter 137 of Session Laws of Minnesota for 1917, relating to and regulating the construction, alteration, maintenance, occupancy, use, equipment and removal of buildings and apartments for dwelling, lodging, hotel and similar purposes in cities of the first class and not organized under Section 36 of Article IV of the State constitution.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definition of hotel.**—Section 2 (4) of said chapter 137 is hereby amended to read as follows:

Sec. 2 (4). A "hotel" is a multiple-dwelling of class B in which persons are lodged for hire and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen. *Provided that no facilities for cooking shall be provided in connection with any suite or guest room in such hotel. No electrical wiring or equipment of any kind shall be installed or used in any guest room for cooking purposes. Provided, however, that receptacles of a capacity not to exceed ten (10) amperes may be installed and used for other than cooking appliances. Whenever any equipment for cooking is to be installed or used in multiple-dwelling in connection with rooms to be occupied by the tenants or guests of such dwelling, such multiple-dwelling shall be classed, constructed and maintained as herein required for class A multiple-dwelling.*

Sec. 2. **Definition of yard.**—Section 2 (6), chapter 137 of Session Laws of Minnesota for 1917 is hereby amended to read as follows:

Sec. 2 (6). A "rear yard" is an open unoccupied space on the same lot with a dwelling, between the extreme rear line of the

lot and extreme rear line of the house, or between the extreme front line of a building on the rear of the lot and the extreme rear line of the house. A yard between the front line of the house and the front line of the lot is a "front yard." A yard between the side line of the house and the side line of the lot and which extends from the front line of the lot or front yard to the rear line of the lot or rear yard is a "side yard."

Sec. 3. **Height of building.**—Section 21 of said chapter 137 is hereby amended to read as follows:

Section 21. No dwelling hereafter erected shall exceed in height the width of the widest street upon which it abuts *unless such dwelling be set back from the front lot line a distance equal to the excess of such height over the width of such street*, nor in any case shall it exceed six stories and basement nor seventy-five feet in height. Such width of street shall be measured from front lot line. Where a street borders a public place, public park or navigable body of water, the width of the street is the mean width of such street plus the width, measured at right angles to the street line, of such public place, public park or body of water to opposite front lot line. No dwelling shall hereafter be erected upon any street or alley less than thirty feet in width. The provisions of this section shall not apply to hotels.

Sec. 4. **Rear yards.**—Section 22 of said chapter 137 is hereby amended to read as follows:

Section 22. Immediately behind every dwelling hereafter erected there shall be a rear yard extending across the entire width of the lot. Such yard shall be at every point open and unobstructed from the ground to the sky, *except as provided in section twenty-three of this act*. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured at right angles from the extreme rear part of the dwelling.

(a) To the middle line of the alley, where a public alley immediately abuts the lot and extends across its entire width;

(b) to the rear lot line where there is no such alley;

(c) to the nearest wall of the building where there is another building at the rear as permitted in section twenty-eight of this act.

The minimum depth of a yard in the rear of a two-story dwelling shall be twenty feet, of a three-story dwelling twenty-two and one-half feet, of a four-story dwelling twenty-six and one-half feet, of a five-story dwelling twenty-nine and one-half feet, of a six-story dwelling thirty-one and one-half feet. No yard in the rear of a multiple-dwelling shall ever be less than twenty feet in depth. No yard in the rear of a one-story private-dwelling or a one-story two-family-dwelling shall ever be less than fifteen feet in depth. Provided that when a private-dwelling or a two-family

dwelling is located on the rear of a corner lot not less than fifty feet in width, and such dwelling faces upon the side street, the rear yard for such dwelling may be not less than five feet in depth. A front yard may be any depth. Any portion of a corner lot distant more than eighty feet from the outside side line of the lot, or from said side line extended in the same direction, shall be treated as an interior lot. This section shall not apply to hotels.

Sec. 5. Side yards and distance between adjoining buildings.—Section 23 of said chapter 137 is hereby amended to read as follows:

Sec. 23. In order to ensure adequate light and ventilation and reduce the conflagration hazard and preserve the amenities of residential districts, no dwelling hereafter erected shall approach nearer to a side lot line than as prescribed in this section. The space between any such dwelling and the side lot line shall be deemed a side yard and shall be as follows:

(a) In the case of a dwelling hereafter erected one story in height such space shall not be less than four feet from the side wall of said dwelling to the side lot line.

(b) In the case of a dwelling hereafter erected two stories in height such space shall not be less than five feet to the side lot line; if said dwelling is three stories in height, such space shall be not less than seven feet to the side lot line; and such space shall increase two feet in width for each additional story.

(c) In the case of private-dwellings and of two-family-dwellings hereafter erected, such space shall be not less than three feet from the side wall of the dwelling to the side lot line. Provided, however, that in no case shall the combined width of side yards for any such dwelling be less than double the width as prescribed in sub-division (a) and (b) of this section for a building of like height.

(d) All of the above-mentioned side yards shall be at every point open and unobstructed from the ground to the sky, except as provided in sub-division fifteen of section two of this act. Provided, however, that in the case of multiple-dwellings where the entrance story is used exclusively for business purposes the measurements may be taken at the top of such entrance story.

The width of said side yard may be measured to the middle line of the street or public alley, where a street or public alley immediately abuts the lot and extends along its entire length. The above requirements for side yards shall not apply to hotels hereafter erected outside of residential districts. If, however, side yards are left for such hotels, they shall conform to the requirements of this section.

(e) *Except that in the case of a single or two-family-dwelling a portion of the yard not exceeding five hundred square feet in area may be occupied by a one-story private garage, provided that*

the part of the garage nearest to the dwelling shall be not less than twelve feet from any part of such dwelling and except in cases where no portion of such garage is above the bottom of the windows of the lowest story used for living purposes.

(f) *Wherever a building is so constructed that one side of it, at any story, is to be used for dwelling purposes, and the adjoining side is to be used other than for a dwelling, such adjoining side need not at such story be provided with a side yard, nor the rear of such adjoining part with a rear yard.*

(g) *No dwelling shall be erected on a gore lot which requires side yards whose combined width exceeds the front width of the lot.*

Sec. 6. Window area of rooms.—Section 30 of said chapter 137 is hereby amended to read as follows:

Section 30. In every dwelling hereafter erected the total window area in each room shall be at least one-eighth of the superficial floor area of the room and the whole window shall be made so as to open in all its parts. At least one such window shall be not less than *eight* square feet in area between stop beads. In multiple-dwellings the top of at least one window shall be not less than seven feet above the floor. Provided, however, that where an open porch adjoins a room, one-half of the windows opening upon such porch may be considered as part of the total window area required for such room.

Sec. 7. Height of rooms.—Section 32 of said chapter 137 is hereby amended to read as follows:

Sec. 32. No room in a dwelling hereafter erected shall be in any part less than the following heights, from the finished floor to the finished ceiling:

(a) *In private-dwellings and two-family-dwellings eight feet high throughout seventy-five per centum of the area of the room. Provided that if at least seventy square feet of the room is eight feet in height, the remainder of the room may be any height.*

(b) *In multiple-dwellings eight feet six inches high throughout the entire area of the room. Except that an attic room in a private dwelling or two-family dwelling need be seven feet six inches in height in but one-half of its area, provided there are not less than seven hundred and fifty cubic feet of air space within said room. In a private-dwelling one and one-half or two stories in height there may be not more than one such room in the second story.*

Sec. 8. Means of egress.—Section 61 of said chapter 137 is hereby amended to read as follows:

Sec. 61. Every multiple-dwelling hereafter erected exceeding one story in height and every building occupied above the first floor as a dwelling, shall have at least two independent ways of egress which shall be located remote from each other, and shall

extend from the entrance floor to the top floor. The stairs and public halls therein shall each be at least three feet six inches wide in the clear. The two ways of egress shall be flights of stairs, either inside or outside, constructed and arranged as provided in sections 64 and 65 of this act. In multiple-dwellings of class A, except in kitchenette apartments arranged in suites of not more than three rooms, kitchen and bath, the second way of egress shall be directly accessible to each apartment, group or suite of rooms without having to pass through the first way of egress. In multiple-dwellings of class B and in kitchenette apartments, as above described, the second way of egress shall be directly accessible from a public hall.

Provided, however, that no multiple dwelling shall be hereafter erected unless a stairway, or stairway fire-escape having an exit directly thereto from a public hall, is provided within at least forty (40) feet from the exit from each apartment or flat if such multiple dwelling is to be non-fireproof construction, or at least fifty (50) feet from such exit if such multiple dwelling is to be of fire-proof construction.

Sec. 9. Fire escapes.—Section 62 of said chapter 137 is hereby amended to read as follows:

Sec. 62. All fire escapes hereafter erected on multiple-dwellings shall be located and constructed as in this section required. Such fire escapes shall be located at each story the floor of which is ten or more feet above the ground. Access to fire escapes shall not be obstructed in any way. No fire-escapes shall be placed in an inner court, *except where such inner court is open for its entire width upon a side yard.* Fire-escapes may project into the public highway to a distance not greater than six feet beyond the building line. All fire-escapes shall consist of outside open iron, stone or concrete balconies and stairways. All balconies shall be not less than three feet in width. All stairways shall be placed at an angle of not more than forty-five degrees to the horizontal wherever practicable and in no case to exceed fifty degrees to the horizontal, with flat open stops not less than seven inches in width and twenty-four inches in length and with a rise of not more than eight inches. The openings for stairways in all balconies shall be not less than twenty-four by seventy inches, and shall have no covers of any kind. The balcony on the top floor, except in the case of a balcony on the street or in the case of a peaked-roof house, shall be provided with a stairs or with a goose-neck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop or stationary ladder or stairs shall be provided from the lowest balcony of sufficient length to reach a safe landing place beneath. All fire-escapes shall be constructed and erected to sustain safely in all their parts a live load of one hundred and twenty pounds to the superficial foot, and if of iron, shall receive not less

than two coats of good paint, one in the shop and one after erection.

Sec. 10. Egress to roof and scuttles and bulkheads.—Section 63 of said chapter 137 is hereby amended to read as follows:

Sec. 63. Every flat-roofed multiple-dwelling hereafter erected exceeding one story in height or occupied by more than two families on any floor, shall have in the roof *directly above each stair hall* a bulkhead or scuttle not less than two feet by three feet in size. Such scuttle or bulkhead shall be fireproof or covered with metal on the outside. Every flat-roofed multiple-dwelling hereafter erected exceeding two stories in height shall be provided with stairs leading to such scuttle or bulkhead and easily accessible to all occupants of the building. *Such stairs shall be placed at an angle of not more than fifty-five degrees to the horizontal, with flat steps not less than six inches in width and 24 inches in length and with a rise of not more than nine inches*, every two story flat-roofed multiple-dwelling hereafter erected having two or more families on any floor shall be provided with stairs or stationary ladder leading to such scuttle or bulkhead and easily accessible to all occupants of the building. No scuttle or bulkhead shall be located in a closet or room, but shall be located in the ceiling of the public hall on the top floor, and access through the same shall be direct and unobstructed.

Sec. 11. Stair hall.—Section 65 of said chapter 137 is hereby amended to read as follows:

Sec. 65. In multiple-dwellings hereafter erected exceeding two stories in height or occupied by more than two families on any floor, the fireproof stairs required by the preceding section shall be enclosed on all sides with walls of brick not less than eight inches thick. The floors and ceilings of such fireproof stair halls shall be of fireproof construction. No wooden flooring shall be used. The doors opening from such stair halls shall be fireproof, self-closing and shall open outward. There shall be no transom or sash or similar opening from such stair hall to any other part of the dwelling, except that such stair hall shall be shut off from all non-fireproof portion of the public halls and from all other non-fireproof parts of the building on each story by a self-closing fireproof sash door with wire-glass therein; on either side and above such door there may be fixed fireproof transoms and sash with wire-glass therein.

Sec. 12. Cellar stairs.—Section 68 of said chapter 137 is hereby amended to read as follows:

Sec. 68. In multiple-dwellings of class A hereafter erected which exceed two stories in height or which are occupied by more than two families on any floor, all inside stairs communicating between the cellar or basement, and the floor next above shall be of fireproof construction with self-closing fireproof door at the top or bottom and shall be enclosed with brick walls not less than

eight inches thick; if located underneath the stairs leading to the upper stories, the soffit of such stairs shall be covered with fireproof material.

Sec. 12a. Water closet accommodations.—Section 83 of said chapter 137 is hereby amended to read as follows:

Section 83. Every water-closet hereafter placed in a dwelling, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of sections 35, 50, 51 and 53 of this act relative to water-closets in dwellings hereafter erected *subject to the following exceptions:*

(a) In the case of a new water-closet installed on the top floor of an existing dwelling, a ventilating skylight open to the sky may be used in lieu of the windows required by section 35 of this act:

(b) *In the case of existing private-dwellings, two-family dwellings or multiple-dwellings of class A where such water-closet is located within or is a part of an apartment, the floor may be of birch or maple:*

(c) *In the case of existing dwellings where in the opinion of the inspector of buildings it is impracticable to locate a water-closet compartment where light and ventilation are possible provided in section 35 of this act, such water-closet compartment shall be provided with local ventilation as required by the inspector of buildings.*

(d) *In an existing private dwelling, two-family dwelling or multiple-dwelling where such water-closet is located within or is a part of an apartment, one way of access from any bathroom or water-closet compartment shall be sufficient.*

Sec. 13. Wooden multiple dwellings.—Section 71 of said chapter 137 is hereby amended to read as follows:

Section 71. No wooden dwelling to be occupied by more than one family shall hereafter be erected two stories and attic in height, and in no wooden multiple-dwelling shall the attic be fitted up or used for living or sleeping purposes.

Sec. 14. Plans to be submitted to building inspector.—Section 140 of said chapter 137 is hereby amended to read as follows:

Section 140. Before the construction or alteration of a dwelling, or the alteration or conversion of a building for use as a dwelling is commenced, and before the construction or alteration of any building or structure on the same lot with a dwelling, the owner or his agent shall have the lot or plot of ground on which such building is located, or is to be located, surveyed by a competent surveyor or civil engineer and the corners properly marked with iron stakes, and such owner or his agent or his architect shall submit to the inspector of buildings a detailed statement in writing, verified by the affidavit of the person making the same, of the

specifications for such dwelling or building, upon blanks of forms to be furnished by such inspector of buildings, and also full and complete indelible copies of the plans of such work. With such statement there shall be submitted a plat of the lot or plot of ground on which any such dwelling or building is to be erected or placed, showing the location and outside dimensions of such proposed dwelling or building; also the location and outside dimensions of other existing buildings, if any, on such lot or plot of ground, together with the size of all yards and courts in connection therewith. Each such plat so submitted shall bear the certificate of a competent surveyor or civil engineer, stating that he has surveyed said lot or plot of ground, and has set iron stakes, firmly driven, at each corner thereof, and that the dimensions marked on said plat are in accordance with a correct survey of the property. *Provided, that if the owner or his agent can show substantial stakes at each corner of the lot or plot of ground on which such building is located, previously set by a competent surveyor, such certificate by a competent surveyor, as above required, need not be demanded by the inspector of buildings; and provided, that whenever alterations affect only the interior of a dwelling no such survey or plat need be filed unless required by the inspector of buildings.*

Provided, further, that the plans and specifications for a private dwelling costing less than three thousand five hundred dollars need be only such as will advise the building department of the character of the proposed building, the sufficiency of such plans and specifications to be determined by such building department. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such dwelling or building and the purposes for which such dwelling or building will be used. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such dwelling, whether as owner, lessee or in any representative capacity. Such affidavit shall allege that said specifications and plans are true and contain a correct description of such dwelling, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner or by the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner unless he shall file with the said inspector of buildings a written statement signed by such owner designating him as such agent. Any false swearing or affirming in a material point to any such affidavit shall be deemed perjury. Such specifications, plans and statements shall be filed in the said building department and shall be deemed public record, but no such specifications, plan or statements, shall be

removed from said building department. The inspector of buildings shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act, they shall be approved by the inspector of buildings and certified to that effect. Such inspector of buildings, may, from time to time, approved changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with law. The construction, alteration or conversion of such dwelling, building, or structure, or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such dwelling, building or structure shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the inspector of buildings but under which no work has been done above the foundation walls within six months from time of the issuance of such permit or approval, shall expire by limitation. Such inspector of buildings shall have power for just cause to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans or statements, submitted or filed for such permit or approval. Whenever improvements or alterations are ordered by the commissioner of health in a dwelling heretofore erected, the plans for such changes must, before a permit is issued by the inspector of buildings, be submitted to the commissioner of health and by said commissioner approved.

Sec. 15. This act shall take effect from and after its passage.
Approved April 25, 1919.

CHAPTER 518—H. F. No. 587.

An act to amend Chapter 329, Laws of 1913 (being Section 1745, General Statutes 1913), concerning the levying of taxes in cities of the fourth class operating under a home rule charter or commission form of government for the purpose of providing musical entertainments to the public.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. 1 mill tax levy for musical entertainments in cities of fourth class.—That section 1 of chapter 329 of the Laws of Minnesota for the year 1913 (being section 1745, General Statutes 1913), be amended so as to read as follows:

The governing body of any city of the fourth class in this state, operating under a home rule charter or commission form of government, is hereby authorized to annually levy a tax *not exceeding one mill on the dollar* against taxable property in such city for the purpose of providing musical entertainments to the public in public