

City of East Bethel
City Council Agenda
Work Meeting – 6:30 PM
Date: October 15, 2014



Item

- | | | |
|---------|------------|----------------------------------|
| 6:30 PM | 1.0 | Call to Order |
| 6:31 PM | 2.0 | Adopt Agenda |
| 7:15 PM | 3.0 | Proposed Rental Ordinance |
| 7:16 PM | 4.0 | Adjourn |



City of East Bethel City Council Agenda Information

Date:

October 15, 2014

Agenda Item Number:

Item 3.0

Agenda Item:

Rental Ordinance Discussion

Requested Action:

Discuss the need for a Rental Ordinance and if a need is determined, provide direction to Staff as to Council’s goals for addressing this matter.

Background Information:

Council discussed a proposal for the consideration of a Rental Ordinance at their October 1, 2014 meeting. As a result of this presentation, a Work Meeting was scheduled for October 15, 2014 to continue the discussion.

Council has previously discussed the need for Rental Ordinance. As more rental properties have become available instances have arisen that may require an ordinance that would cover issues of the concerns and protections of renters and lessees.

Blaine, Isanti, and St. Francis all have Rental Ordinances and those are attached for your review. Ham Lake, Oak Grove and Cambridge do not have Rental Ordinances. Cambridge does have an ordinance that allows for rental inspections upon request of the tenant, neighborhood associations or owners. Cambridge considered passage of a traditional type rental ordinance but it was ultimately denied by the City Council and was replaced by a Request for Rental Inspection.

In addition to a Rental Ordinance, Council may wish to include in the discussion an Ordinance amendment that would enable the City to secure services to perform property maintenance activities on abandoned, cited or unkempt vacant properties to prevent neighborhood blight and eliminate situations that create public nuisances or unsanitary conditions.

The adoption of a Rental Ordinance would serve as a protection to renters and could establish minimum dwelling standards related to health and safety. Additional Staff time would be required for inspections and tracking of rental properties.

Attachments:

Attachment 1- City of Blaine

Attachment 2- City of St. Francis

Attachment 3- City of Isanti

Attachment 4- City of Cambridge – *Request for Rental Inspection Ordinance*

Fiscal Impact:

To be determined

Recommendation(s):

None at this time

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

Blaine, Minnesota, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 18 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE X. LICENSES FOR RENTAL DWELLINGS >>

ARTICLE X. LICENSES FOR RENTAL DWELLINGS

Sec. 18-501. License required; definitions.

Sec. 18-502. Application.

Sec. 18-503. License issuance.

Sec. 18-504. Term of license.

Sec. 18-505. License fees.

Sec. 18-506. Posting of license.

Sec. 18-507. Transfer of license.

Sec. 18-508. Conduct on licensed premises.

Sec. 18-509. Suspension, revocation, denial, nonrenewal.

Sec. 18-510. No retaliation.

Secs. 18-511—18-529. Reserved.

Sec. 18-501. License required; definitions.

- (a) *License.* No person shall allow to be occupied or let to another for occupancy a unit or units in a rental dwelling for which a license has not been granted by the city.
- (b) *Definitions.* Unless otherwise expressly stated, the following terms shall, for the purposes of this article, have the following meanings:

Rental dwelling means any structure or portion thereof which is designated or used for residential occupancy by one or more persons who are not the owner or a member of the owner's family. Rental dwelling includes commercial living facilities, not governed by state licensing requirements.

(Ord. No. 07-2122, 3-8-2007; Ord. No. 12-2245, 3-15-2012)

Sec. 18-502. Application.

- (a) Before any license shall be issued or renewed, the owner of the rental dwelling shall complete an application. The following persons shall be authorized to sign and submit the application:
- (1) If the owner is a natural person, by the owner thereof.
 - (2) If the owner is a corporation, by an officer thereof.
 - (3) If the owner is a partnership, by a partner thereof.
- (b) The application shall be made on a form prescribed by the city and shall include:
- (1) The name and address of the owner of the rental dwelling.
 - (2) The name and address of any operator or agent actively managing the rental dwelling.
 - (3) If the operator or agent is a business entity, the application shall include the names, telephone numbers and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
 - (4) If the applicant is a corporation, the name and address of all officers.
 - (5) If the applicant is a partnership, the name and address of all partners.
 - (6) If the rental dwelling is being sold on a contract for deed, the name and address of the

vendees.

- (7) The legal address of the rental dwelling.
- (8) Owner, agent or manager that notices of violation should be directed to pursuant to this article.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-503. License issuance.

- (a) The city may issue a license in its discretion if the building and the application are found to be in compliance with the provisions of this article and with the Residential Maintenance Code set forth in Chapter 18, Article VIII, of this Code, provided that all real estate taxes and municipal utility bills for the premises have been paid. Real estate taxes will not be considered to be unpaid for purposes of this section while a proper and timely appeal of such taxes is pending.
- (b) No license shall be issued or renewed for a nonresident owner of a rental dwelling (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington, Sherburne, Isanti, or Chisago and some locations immediately into the State of Wisconsin), unless such owner designates in writing to the city inspector the name of such owner's resident agent, (who also needs to reside in the above-noted locations) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the city ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The city inspector shall be notified in writing of any change of resident agent. This requirement may be waived if, in the city inspector's determination, the owner not living in one of the above specified counties is nonetheless sufficiently accessible for the purposes of this article.

(Ord. No. 07-2122, 3-8-2007; Ord. No. 12-2245, 3-15-2012)

Sec. 18-504. Term of license.

Licenses will be issued for a one-year period and the license term shall commence on June 1.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-505. License fees.

- (a) The license fees shall be established by resolution. The license fee shall be collected for each building and unit in a rental dwelling.
- (b) If an application for a license is made after its due date May 1st a late fee as established by resolution, will be added to the initial license fee. For each subsequent 30-day period an additional late fee will be imposed.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-506. Posting of license.

The licensee shall post a copy of the license in a conspicuous public corridor or hallway or lobby of the licensed rental dwelling.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-507. Transfer of license.

A license is transferable for a fee to any person who has actually acquired legal ownership of the rental dwelling. The transfer shall be effective for the unexpired portion of the license period, provided that a transfer application is filed with the city prior to the actual change of legal ownership and that the transferee is not disqualified from holding the license. A license shall terminate upon an owners failure to apply for a transfer prior to change of legal ownership. The fee for the license transfer shall be established by resolution.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-508. Conduct on licensed premises.

- (a) *Disorderly premises.* The licensee shall be responsible for ensuring that persons occupying or present at the rental dwelling conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this section, a premises is disorderly if any of the following occur:
- (1) Violation of section 50-141 (Disorderly house) of the City Code or Minn. Stat. § 609.72.
 - (2) Violation of laws relating to the possession of controlled substances as defined in Minn. Stat. § 152.01, subd. 4.
 - (3) The unlawful possession or sale of intoxicating liquor or 3.2 percent malt liquor.
 - (4) Violation of laws relating to gambling.
 - (5) Violation of laws relating to prostitution as defined in Minn. Stat. § 609.321, subd. 9, or acts relating to prostitution.
 - (6) Unlawful use or possession of a firearm or weapon in violation of chapter 50, article III, division 2, of the City Code or Minn. Stat. § 609.66, subd. 1a, 609.67 or 624.713.
 - (7) Violation of Minn. Stat. § 609.705 (Unlawful Assembly).
 - (8) Violation of Minn. Stat. § 609.71 (Riot).
 - (9) Violation of Minn. Stat. § 609.713 (Terrorist Threat).
 - (10) Violation of Minn. Stat. § 609.715 (Presence at Unlawful Assembly).
 - (11) Any other conduct deemed disorderly by the city manager or designee.
- (b) *Enforcement authority.* The city manager or designee shall be responsible for enforcement and administration of this article. Authority to take any action authorized by this article may be delegated to the city manager's authorized designee.
- (c) *Notice of violation.* Upon determination by the city that a rental dwelling was deemed to be a disorderly premises, notice of the violation shall be given to the licensee or designee. The notice shall include a directive for the licensee to take steps to prevent further violations. All notices given by the city under this section shall be served on the licensee or designee, sent by mail to the licensee's last known address, or, by posting the notice in a conspicuous place at the rental dwelling.
- (d) *Second instance.* If a second instance of a disorderly premises occurs within the annual license term the city shall notify the licensee or designee of the violation and shall also require the licensee to submit a written report of the actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the city within five days of receipt of the notice of disorderly premises and shall detail all actions taken by the licensee in response to all notices of disorderly premises within the license term.
- (e) *Third instance.* If a third instance of a disorderly premises occurs within the annual license term the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed in accordance with section 18-509.
- (f) *Instances defined.* For purposes of this section, second and third instances of disorderly

premises shall be those which:

- (1) Occur at the same rental dwelling unit; or
 - (2) Involve tenants at the same rental dwelling unit; or
 - (3) Involve guests or invitees at the same rental dwelling unit; or
 - (4) Involve guests or invitees of the same tenant; or
 - (5) Involve the same tenant.
- (g) *Eviction proceedings.* No adverse license action shall be imposed where the instance of disorderly premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to license action, however, unless they are being diligently pursued by the licensee.
- (h) *Evidence of disorderly premises.* A determination of disorderly premises shall be made upon substantial evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly premises. Moreover, a dismissal or acquittal of any such criminal charge will not operate as a bar to license action under this article.
- (i) *Council action not exclusive.* Enforcement actions provided in this article shall not be exclusive. The city council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the City Code or state law.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-509. Suspension, revocation, denial, nonrenewal.

- (a) *Hearing.* An action to deny, revoke, suspend, or not renew a license under this article shall be initiated by the city by giving written notice to the licensee of a hearing before the city council to consider such denial, revocation, suspension or nonrenewal. The written notice shall specify all violations and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten days and no more than 30 days after giving the notice. In such hearing the city council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply with city requirements. Following the hearing, the city council in its sole discretion may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the rental dwelling, or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this article. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this article may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. The city council shall issue its decision upon written findings.
- (b) *Reason for action.* The city council may revoke, suspend, deny or decline to renew any license issued under this article upon any grounds it deems appropriate including, but not limited to, the following:
- (1) False statements on any application or other information or report required by this article to be given by the applicant or licensee.
 - (2) Failure to pay any application fee, penalty, re-inspection, or reinstatement fee required by this article and resolutions.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Any other violation of this article.
- (c) *Reinstatement of license.* Upon a decision to revoke, deny, or not renew a license, no new

application for the same rental dwelling will be accepted for a period of time specified in the written decision of the city council, not exceeding one year. Any such new application must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this article.

- (d) *No new rentals.* A written decision to revoke, suspend, deny, or not renew a license shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension or nonrenewal of a license shall not excuse the owner of a rental dwelling from compliance with the terms of this article for any other unit or units in the rental dwelling which remain occupied.
- (e) *Failure to comply.* Failure to comply with any term of this article during a period of revocation, suspension, or nonrenewal is a misdemeanor and is also grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.

(Ord. No. 07-2122, 3-8-2007)

Sec. 18-510. No retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

(Ord. No. 07-2122, 3-8-2007)

Secs. 18-511—18-529. Reserved.



Application to License Rental Dwelling

Blaine City Hall • Housing Division • 10801 Town Square Drive NE • Blaine, MN 55449

Rental Licensing Period 06/01/14 - 05/31/15

Rental License H14-_____

(Please sign this box ONLY if you are no longer renting your property)

I, _____ confirm this property is no longer rental and agree to immediately contact the Housing Division upon a status change in the future. Initial & date: _____
Property Address: _____

HOUSING TYPE

Check suitable TYPE along with specific DESCRIPTION

Single-Family Detached
 ___ House
 ___ Townhouse
 ___ Manufactured Home
SINGLE-FAMILY STRUCTURE

Single-Family Attached Dwelling
 ___ Townhouse
 ___ Condominium
SINGLE-FAMILY UNIT IN MULTI-FAMILY STRUCTURE

Multi-Family Rental Structure
 ___ Duplex ___ Sixplex
 ___ Triplex ___ Multi-family 7+
 ___ Fourplex
MULTI-FAMILY STRUCTURE

RENTAL PROPERTY ADDRESS INFORMATION

Complex Name or **Individual Address:** _____

List Address at MF Complex: _____

OWNERSHIP TYPE (Check one & fill corresponding below)

Individual Corporation Partnership

OWNER INFORMATION (Individual or Company)

Name: _____ Email: _____
Mailing Address: _____ City: _____ St: _____ Zip: _____
Phone: _____ Fax: _____ Cell: _____

CORPORATE (First Officer)

Name: _____ Email: _____
Mailing Address: _____ City: _____ St: _____ Zip: _____
Phone: _____ Fax: _____ Cell: _____

PARTNER (Second Partner)

Name: _____ Email: _____
Mailing Address: _____ City: _____ St: _____ Zip: _____
Phone: _____ Fax: _____ Cell: _____

CONTRACT FOR DEED (Vendee/Buyer)

Name: _____ Email: _____
Mailing Address: _____ City: _____ St: _____ Zip: _____
Phone: _____ Fax: _____ Cell: _____

MANAGEMENT (Owner or Owner's Rep to meet Inspector)

Name: _____ Email: _____
Mailing Address: _____ City: _____ St: _____ Zip: _____
Phone: _____ Fax: _____ Cell: _____

ON-SITE Manager or Caretaker (Multi-family only)			
Name:		Email:	
Mailing Address:		City:	St: Zip:
Phone:	Fax:	Cell:	

Licensee (must list owner or manager only)

Authorized Agent (must list owner or manager only)

Owner's agent authorized to complete and submit the Annual Rental License Application is listed below.	Owner's agent authorized to handle Conduct Notices issued by the Housing Services Division is listed below.
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:
Phone:	Phone:

FEE SCHEDULE

PLEASE INCLUDE THE APPLICABLE *ANNUAL* FEE WITH YOUR LICENSE APPLICATION

APPLICATION FEE IS NOT REFUNDABLE OR PRORATED

CONTRACT FOR DEED (BUYER) MUST FILE CONTRACT AT ANOKA COUNTY OR SUBMIT RENTAL LICENSE AND FEE

****Single-family (attached or detached) is \$110 for each dwelling**

Multi-family is \$100 per building plus \$10 per unit

Example: Duplex \$100 + \$20 = \$120 Example: Fourplex \$100 + \$40 = \$140

PLEASE NOTE: A Late Fee of \$60.00 for every 30-day period past due will be imposed.

Number of buildings _____	Number of units per building _____	Number of rental units per building _____
Total number of rental units _____	Total Fee Paid \$ _____	
Payable to City of Blaine		

I understand that I will operate and maintain the subject premises identified herein according to the City of Blaine's Code of Ordinances Chapter 18, Article VIII and Article X and the laws of the State of Minnesota. Agreement to allow inspection pursuant to Sec. 18-321.

Furthermore, I certify I am the owner or owner's authorized agent and answers contained herein are true and accurate in all respect to the best of my knowledge and belief. **As owner or owner's authorized agent, I agree to meet with the City of Blaine Inspector on-site for all required inspections and/or reinspections pursuant to Section 18-503(b). Tenants are not considered authorized agents.**

In accordance with the Minnesota Government Data Practices Act, the City of Blaine hereby informs you that some or all the information you are asked to provide is classified as public. This information will be used to process your Rental License Application Form. You may choose to withhold this information, however, if you do, the City of Blaine may not be able to process your form and issue you a rental license.

Applicant Signature: _____ Date: _____

If you have any questions about the City of Blaine's Rental Licensing and Inspection Program, please contact the Housing Services Division at 763-785-6187.

Rental Licensing



Pre-Inspection Checklist

Please use the following checklist to prepare for the Rental Licensing Inspection. The list highlights things often found to be in violation.

Addressing deficiencies prior to the inspection reduces the need for a re-inspection. Reference details in Chapter 18 Article VIII Residential Maintenance of the Blaine Code of Ordinances at www.ci.blaine.mn.us.

Single-family detached and attached (town home & condo)

<u>ITEM</u>	<u>CONDITION</u>
<input type="checkbox"/> Smoke Alarms	One per bedroom and on each level
<input type="checkbox"/> Carbon Monoxide Alarm	One within ten feet of bedrooms
<input type="checkbox"/> Laundry Area/Room	Free from lint or clothing behind dryer
<input type="checkbox"/> Plumbing Pipes & Fixtures	Working & free from defect
<input type="checkbox"/> Electrical (fixtures, plates & covers)	Working & free from defect
<input type="checkbox"/> Furnace/Mechanical Room	No defect & combustibles (3' clearance)
<input type="checkbox"/> Dryer Venting & Connection	Smooth rigid metal (no flex or screws)
<input type="checkbox"/> Interior Rooms & Spaces	No excessive clutter/unsanitary condition
<input type="checkbox"/> Windows, Doors & Walls	Working and free from defect
<input type="checkbox"/> Roof, Siding, Soffit/fascia	Free from excessive wear or defect
<input type="checkbox"/> Building Address Numbers	Locate house front & visible from street

SECTION 6

RENTAL HOUSING LICENSING

(Ord. 188, Effective 1/18/14)

SECTION:

- 4-6-1: Purpose
- 4-6-2: Application
- 4-6-3: Definitions
- 4-6-4: License
- 4-6-5: Inspection Criteria
- 4-6-6: Responsibilities of Owners and Occupants
- 4-6-7: Maximum Density
- 4-6-8: General Requirements
- 4-6-9: Minimum Standards for Basic Equipment and Facilities
- 4-6-10: Minimum Standards for Light and Ventilation
- 4-6-11: Dwellings Unfit for Human Habitation
- 4-6-12: Ordinance Implementation
- 4-6-13: Penalties and Violations

4-6-1: PURPOSE. It is the purpose of this Ordinance to assure that rental housing in the City of St. Francis is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from reasonable fears about safety of persons and security of property; and suitable for raising children.

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 to intrude upon the fair and acceptable relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive of complaints from a tenant or landlord 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 rights as are available to them without the intervention of the City.

4-6-2: APPLICATION. Every non-owner occupied rental dwelling unit and its premises used whole or in part as a home or residence, for a family or person, shall conform to the requirements of this Ordinance irrespective of when such building was

constructed, altered or repaired. This Ordinance establishes minimum standards for erected rental dwelling units, accessory structures and related premises. All dwelling units must also comply will all other applicable standards found in the City Code.

4-6-3: DEFINITIONS.

1. Approved. When used in reference to the design and capabilities of physical systems of a dwelling, shall mean having passed the inspection of the Compliance Officer. The basis for passage of such inspection shall be an analysis of the effective state codes and an analysis of the degree to which the systems meet the standards established by such codes. It shall be the objective of the Compliance Officer, unless otherwise specified, to establish minimum qualifications for approval of such system, which qualifications can maintain substantial compliance with the effective state codes and can be achieved in a reasonably economical and practical manner.
2. Building. Any structure built for support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
3. Compliance Officer. The City Building Official or other designee of the City Administrator authorized to administer and enforce this article.
4. Dwelling. A building or portion thereof, designated exclusively for the residential occupancy, including one-family, two-family, multiple family dwellings, and manufactured houses, but not including hotels, motels, nursing homes, residential care facilities, or assisted living facilities.
5. Dwelling, Multiple Family. A building designed with two (2) or more dwelling units exclusively for the occupancy of two (2) or more families living independently of each other, but sharing hallways, main entrances, and exits.
6. Dwelling Unit. A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating but not including but not including hotels, motels, nursing homes, residential care facilities, or assisted living facilities.
7. Family. An individual or two (2) or more persons related by blood, marriage, adoption, domestic partnership, or foster care or a group of not more than three (3) persons not so related maintaining a common household and using common cooking/kitchen and bathroom facilities.
8. Garbage. Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

9. 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 electric outlets and required exit facilities), pantries, utility rooms of less than fifty (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.
10. Heated Water. Water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit, or such lesser temperature required by government authority, measured at the faucet outlet.
11. Kitchen. A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment and adequate space for the storage of cooking utensils.
12. Lease. An agreement to rent. For use as a verb, see Rent.
13. Occupant. Any person sleeping, cooking and eating in a dwelling unit.
14. Operator. The owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units are let.
15. Owner. Any person who alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the city as title holder, as employee or agent of the title holder, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual title holder shall be bound to comply with the provisions of this article to the same extent as the title holder.
16. Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit.
17. Plumbing. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.
18. Premises. A platted lot or part thereof or unplatted parcel of land occupied by any dwelling or non-dwelling structure, including any such building, accessory structure or other structure thereon.
19. Refuse. All organic and non-organic waste, including garbage and rubbish.

20. Rent. Consideration paid for the use of premises, including, but not necessarily limited to, money, services and property. As a verb, the term "rent" means to get or give the use of premises in return for such consideration or any combination thereof. The term "rent" does not include arrangements whereby a relative, as defined in Minnesota Statutes 273.124, subd. 1 (c), occupies a dwelling for no consideration or for consideration that includes no more than maintenance of the dwelling or premises, and which arrangement is detailed and sworn to in affidavits filed by each adult occupant of the dwelling and each person who is an owner of the dwelling.
21. Rental Dwelling. A non-owner occupied building or portion thereof let for rent or lease, designed or used predominantly for residential occupancy of a continued nature, including single-family dwellings, attached or detached, and multiple family dwellings, but not including hotels, motels, nursing homes, residential care facilities, or assisted living facilities.
22. Rental Dwelling Unit. A non-owner occupied single residential accommodation let for rent or lease 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 a part of the building in which the dwelling is located.
23. Repair. To restore to a sound and acceptable state of operation, serviceability or appearance.
24. Rodent Harborage. Any place where rodents can live, nest or seek shelter.
25. Rubbish. Solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery and similar materials.
26. Supplied. Paid for, furnished by, provided by or under the control of the owner, operator or agent of a dwelling. Whenever the terms "dwelling," "dwelling unit," "premises," and "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."
27. Toilet. A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer supply.

4-6-4: LICENSE.

- A. License Required. No person, firm or corporation shall operate a rental dwelling unit without first having obtained a license to do so from the City as provided for

in this Ordinance. Each license shall be good for two (2) years and expire on January 31st on the second year after issuance, except as otherwise described in Section 4-6-12 regarding the process for the first renewal. License renewals for the following years shall be filed on or before January 15th prior to the license expiration date.

B. Application. Applications for rental licenses shall be made in writing to the City by the owner of the rental dwelling unit(s) or his/her designated agent. The applicant shall supply:

1. The name, address and telephone number of the dwelling owner, the owning partners if a partnership and/or that of the corporate officers if a corporation.
2. The name, address and telephone number of the designated resident agent, if any.
3. The name, address and telephone number of the management representative.
4. The name, address and telephone number of the vendee, if the dwelling is being sold through a contract for deed.
5. The legal address of the dwelling.
6. The type of dwelling.
7. The type and number of dwelling units within the dwelling.
8. Number of occupants.
9. A description of the procedure through which tenant inquiries and complaints are to be processed.
10. An acknowledgement that the owner or designated agent has received a copy of this Ordinance.
11. Certification of Taxes and Utilities Paid: Prior to approving an application for a rental housing license, the property owner shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rental housing license application relates.

C. Fees.

1. License fees for renewal of licenses under this Ordinance shall be due on January 15th immediately prior to the license expiration date. In cases of new unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy. In cases of licensing for periods of less than one (1) year, license fees shall be prorated monthly.
 2. The amount of license fees shall be as set forth in the City's official fee schedule. The licensee shall not be entitled to a refund of any license fee upon revocation or suspension of the license. However, the licensee shall be entitled to a refund of any license fee, prorated monthly, upon proof of transfer of legal control or ownership.
- D. Inspection Required. No license shall be issued or renewed under this Ordinance unless the rental dwelling and its premises conform to the ordinances of the City and the laws of the State. The City may require an inspection of such dwelling and premises to make that determination. Failure to schedule or allow such inspection is a violation of this Ordinance.
- E. Posting of License. Every licensee of a rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license of the respective rental dwelling for all multiple family buildings.

4-6-5: INSPECTION CRITERIA. The City may inspect any rental unit if it falls within one or more of the following criteria:

- A. Such a unit has been abandoned by the owner or the owner of such unit cannot be found.
- B. The rental dwelling unit license has been suspended, revoked or denied.
- C. Water, gas, or electric service to such unit has been discontinued as a result of nonpayment.
- D. The unit is on a parcel of land which is on the list of delinquent taxes filed by the County Auditor with the court administrator of the district court pursuant to Minnesota Statutes Section 279.05.
- E. The City has probable cause to believe that there exist within such unit one or more violations of the requirements of this ordinance.
- F. The unit of property within which the unit is located has, within the preceding six (6) months, renewed a license after suspension or revocation.

- G. The unit is the subject of a pending notice of the City's intent to suspend or revoke the rental license.
1. The Compliance Officer is hereby authorized, in conformity with this Ordinance, to inspect all rental dwelling units to enforce this section and all applicable safety codes.
 2. The Compliance Officer is authorized to inspect all rental dwelling units in dwellings, whether having a rental license hereunder or not. The inspection may include the building or structure containing the rental dwelling unit, the land upon which it is located and accessory uses or structures related to the rental dwelling unit. All inspections authorized by this section shall be limited to those which are done for the purpose of seeking compliance with the applicable safety codes, and shall take place only at reasonable hours or as may otherwise be agreed upon by the owner and the Compliance Officer.
 3. The City shall give notice to the owner of any violations of the applicable safety codes which are discovered during any inspection.

4-6-6: RESPONSIBILITIES OF OWNERS OR OCCUPANTS. No owner or other person shall occupy or let another person occupy any rental dwelling unit, unless the premises are clean, sanitary, fit for human occupancy and complies with all applicable legal requirements of the State and the City, including the following requirements:

- A. License. The owner of a rental dwelling unit shall obtain and license and shall pass the required inspection prior to any occupancy of the rental dwelling unit.
- B. Maintenance.
1. Shared or Public Areas. Every owner of a rental dwelling unit shall maintain in a clean, sanitary and safe condition, the shared or public areas of the building and premises thereof.
 2. Occupied Areas. All occupants of a rental dwelling unit shall maintain in a clean, sanitary and safe condition that part or those parts of the building and premises thereof that she/he occupies and controls.
- C. Storage and Disposal of Garbage and Rubbish.
1. All occupants of a rental dwelling unit shall store and dispose of all their rubbish in a clean, sanitary and safe manner.

2. All occupants of a rental dwelling unit shall store and dispose of all their garbage and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner.
3. Every owner of a rental dwelling unit shall supply facilities of adequate size for the sanitary and safe storage and disposal of rubbish and garbage.
4. Every owner of a rental dwelling unit shall supply facilities of adequate size for the sanitary and safe storage and collection of recyclables.

D. Pest Control.

1. Pest Extermination. Every owner of a rental dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit containing more than one dwelling unit or an occupant of a nonresidential building containing more than one unit shall be responsible for the extermination whenever his unit is the only one infested. Notwithstanding, however, whenever infestations 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 infestation exists in two (2) or more of the units in any building, extermination thereof 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.
2. Rodents.
 - a. No occupant of a rental dwelling unit shall accumulate boxes, lumber, scrap metal, or any 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.
 - b. No owner of a rental dwelling unit shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about shared or public areas of a building or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly.
 - c. No owner or occupant of a rental dwelling unit shall store, place or allow to accumulate, any materials that may serve as food for rodents in a site accessible to rodents.

- E. Sanitary Maintenance of Fixtures and Facilities. Every occupant of a rental dwelling unit 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.
- F. Minimum Heating Capability and Maintenance. In every rental dwelling unit, when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68) degrees Fahrenheit, or such lesser temperature required by government authority, shall be maintained at a distance of three (3) feet above the floor and three (3) feet from exterior walls in all habitable rooms, bathrooms and water closet compartments from September through May.
- G. Minimum Exterior Lighting. The owner of a multiple family rental building shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.
- H. Driveways and Parking Areas. The owner of a rental building shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.
- I. Yards. The owner of the building shall be responsible for providing and maintaining the yards of premises consistent with all applicable provisions in the City Code.
- J. Exterior Storage. Owners and occupants of rental dwelling units shall comply with the City's exterior storage requirements as regulated by Section 10-16 of the Zoning Ordinance.
- K. Public Nuisances. Owners and occupants of rental dwelling units shall comply with the City's public nuisance ordinance as provided for in Chapter 8 of the City Code.
- L. The property owner shall be responsible for payment of all property taxes, City utility fees, special assessments, and interest. Delinquent utility accounts shall be subject to Chapter 3 of the City Code.

4-6-7: MAXIMUM DENSITY. No person shall occupy nor permit or let to be occupied any rental dwelling unit for the purpose of living therein, which does not comply with the following requirements. The maximum permissible occupancy of any dwelling unit shall be determined as follows:

- A. For the first occupant, one hundred fifty (150) square feet of habitable room floor space and for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor space.

- B. In no event shall the total number of occupants exceed two (2) times the number of habitable rooms, less kitchen, in the dwelling unit.

4-6-8: GENERAL REQUIREMENTS. No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit which does not comply with the following requirements, unless specifically exempt:

- A. **Minimum Ceiling Height.** In order to qualify as habitable, rooms shall have a clear ceiling height of not less than seven (7) feet; except, that in attics or top half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven (7) feet over at least one-half (1/2) of the floor area. In calculating the floor area of such rooms in attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.
- B. **Access through Sleeping Rooms and Bathrooms.** No dwelling unit containing two (2) or more sleeping rooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be gained only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar of any dwelling unit.
- C. **Foundations, Exterior Walls and Roofs.** The foundation, exterior walls, and exterior roof shall be substantially watertight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the building. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. 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 compliance officer to be paint blistered, the surface shall be painted. If the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.
- D. **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, 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 openable window

shall be supplied with mesh screens, and shall be equipped with an approved lock if located less than six (6) feet above adjacent grade.

- E. Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of holes and large cracks and loose plaster and shall be maintained in a tight, weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be used. The floor of every toilet room, bathroom, and kitchen shall have a smooth, hard, nonabsorbent surface and shall be capable of being easily maintained in a clean and sanitary condition.
- F. Rodent proof. Every structure and the premises upon which it is located shall be maintained in a rodent free and rodent proof condition. All openings in the exterior walls, foundations, basements, ground or first floors, and roofs, which have a one-half inch (1/2") diameter or larger opening, shall be rodent proofed in an approved manner. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.
- G. Fences. All fences shall consist of metal, wood, masonry, or other decay resistant material. Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. All fences shall be subject to the provision of Section 10-20 of the St. Francis Zoning Ordinance.
- H. Grading And Drainage. During the period of May through October, every yard, court, passageway, and other portions of the premises on which a building stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.
- I. Landscaping. Every yard of a premises on which a building stands shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and related decorative materials, and such yard shall be maintained consistent with prevailing community standards. Multiple family dwelling sites shall be maintained in accordance with an approved city landscape plan and shall be supplied with an irrigation system.
- J. Screening. In multiple family dwelling sites, all outside trash disposal facilities, recycling containers, and outside or rooftop mechanical equipment shall be screened from view by an opaque fence or wall high enough to completely screen the equipment.

- K. Safe Building Elements. Every foundation, roof, floor, exterior and interior wall, ceilings, inside and outside stair, every porch and balcony, and every appurtenance thereto, shall be safe to use and capable of supporting loads required by the occupancy.
- L. 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.
- M. Discontinuance of Service or Facilities. No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required under this Ordinance, to be removed, shut off or discontinued from any occupied building or portion thereof, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

4-6-9: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit for the purposes of living, sleeping, cooking and eating therein which do not comply with the following requirements:

- A. Kitchen Facilities.
 - 1. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which is connected to an approved sewer system.
 - 2. Every dwelling unit shall have an approved kitchen sink in good working condition and properly connected to an approved water supply system, and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
 - 3. Every dwelling unit shall have cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping, and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction and furnished with surfaces that are easily cleaned and that will not impart any toxic or deleterious effect to food.
 - 4. Every dwelling unit shall have a stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at or below forty (40) degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided,

that such stove, refrigerator or similar device need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same upon occupancy, in which case, sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

- B. Toilet Facilities. Within every rental dwelling unit there shall be an uninhabitable room which is equipped with an approved toilet in good working condition. Such room shall have an entrance door which affords privacy. Said toilet shall be equipped with easily cleaned surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly, and shall be connected to an approved sewer system.
- C. Lavatory Sink. Within every rental dwelling unit there shall be an approved lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which the said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.
- D. Bathtub or Shower. Within every rental dwelling unit there shall be an uninhabitable room which is equipped with an approved bathtub or shower in good working condition. Such room shall have an entrance which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.
- E. Stairways, Porches and Balconies. Every stairway inside or outside of a rental dwelling and every porch or balcony shall be kept in safe condition and sound repair. Stairs, handrails and guards shall conform to the current Building Code.
- F. Access to Rental Dwelling Unit. Access to or egress from each rental dwelling unit shall be provided without passing through any other rental dwelling unit.
- G. Door Locks. No owner shall occupy nor let to another for occupancy any rental dwelling or rental dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices as follows:
 - 1. Building Entrances. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings, an approved security system shall be maintained for each

multiple family building to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type doors shall be provided with lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently locked from the inside.

2. Interior Dwelling Unit Entrances. Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure; provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.

4-6-10: MINIMUM STANDARDS FOR LIGHT AND VENTILATION. No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Habitable Room Light and Ventilation. Except where there is supplied some other device affording adequate ventilation and approved by the compliance officer, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of ten (10) percent of the floor area of the room or ten (10) square feet. One-half (1/2) of the required window area shall be openable.
- B. Uninhabitable Room Ventilation. Every bathroom and water closet compartment, and every laundry and utility room shall contain at least fifty (50) percent of the ventilation requirement for habitable rooms contained in Section 4-6-10.A; except, that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the compliance officer.
- C. Electric Service, Outlets and Fixtures. Every rental dwelling unit and all public and common areas shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in good and safe working condition, and which shall be connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the City and by the laws of the State. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

1. Rental dwellings containing one (1) or two (2) rental dwelling units shall have at least the equivalent of sixty (60) ampere, three-wire electric service per dwelling unit.
 2. Rental dwelling units shall have at least one branch electric circuit for each six hundred (600) square feet of dwelling unit floor area.
 3. Every habitable room shall have at least one floor or wall type electric convenience outlet for each sixty (60) square feet or fraction thereof of total floor area and, in no case, less than two (2) such electric outlets; provided, however, that one ceiling or wall type fixture may be supplied in lieu of one required electric outlet.
 4. Every bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling or wall type electric light fixture, and every bathroom, kitchen, and laundry room shall contain at least one (1) electric convenience outlet. The electric convenience outlet in the bathroom shall be a GFCI outlet.
 5. Every public corridor and stairway in every rental dwelling shall be adequately lighted by natural or electric light at all times so as to provide effective illumination in all parts thereof. Every public corridor and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.
 6. A convenient switch or equivalent device for turning on a light in each rental dwelling unit shall be located near the point of entrance to such unit.
- D. Smoke and Carbon Dioxide Protection. Smoke and carbon dioxide alarms shall be provided in conformance with the current Building Code.

4-6-11: DWELLINGS UNFIT FOR HUMAN HABITATION.

- A. Any rental dwelling or rental dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin or rodent infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any rental dwelling or rental dwelling unit has been declared unfit for human habitation, the compliance officer shall order the dwelling or dwelling unit vacated within a reasonable amount of time and shall post a placard on the dwelling or dwelling unit indicating that it is unfit for human habitation and any operating license previously issued for such dwelling shall be revoked.

- B. It shall be unlawful for such rental dwelling or rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the compliance officer. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling or rental dwelling unit.
- C. The owner of any rental dwelling or rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of sixty (60) days or more, shall make the dwelling or dwelling unit safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this ordinance.
- D. If a rental dwelling unit has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of State Statutes.

4-6-12: ORDINANCE IMPLEMENTATION. All rental housing shall file for the first license by January 15, 2014. All even numbered addresses shall file for the first renewal by January 15, 2016. All odd numbered addresses shall file for the first renewal by January 15, 2017. After first renewals, the procedure shall follow as described in Section 4-6-4.

4-6-13: PENALTIES AND VIOLATIONS. Any person who violates any provision of this Section shall be guilty of a misdemeanor. Every license issued under the provisions of this Section is subject to suspension or revocation by the City should the licensed owner or the owner's duly authorized agent fail to operate or maintain a licensed dwelling or unit therein consistent with the provisions of the ordinances of the City and the Laws of the State. The City shall appoint a person responsible for administration of this section who shall have the authority to investigate licensees and to suspend or revoke licenses. Revocations and suspensions may be appealed to the City Council within thirty (30) days of notice.

SECTION 7

VACANT BUILDING REGISTRATION (Ord. 194, Adopted 4/7/14, Effective 5/11/14)

SECTION:

- 4-7-1: Purpose and Findings
- 4-7-2: Definitions
- 4-7-3: Vacant Building Registration
- 4-7-4: Maintenance of Vacant Buildings
- 4-7-5: Inspection of Vacant Buildings
- 4-7-6: Penalties

4-7-1: PURPOSE AND FINDINGS. The City of St. Francis is enacting this section to protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings. The City finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. There is a substantial cost to the City for monitoring vacant buildings. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by owners of the buildings.

4-7-2: DEFINITIONS. For the purposes of this Section, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this article.

- A. "Abandoned property" means property not lawfully occupied that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.
- B. "Building" is any roofed structure used or intended for supporting or sheltering any use or occupancy. Building, for purposes of this Chapter, shall include a portion of a building that is separately titled such as a condominium or townhouse unit that is part of a larger building structure.
- C. "Compliance official" means the City Administrator and the City Administrator's designated agents authorized to administer and enforce this section.
- D. "Owner" or "property owner" is the owner of record of a property on which a building is located according to County property tax records, those identified as owner or owners on a vacant building registration form, a holder of recorded or an unrecorded contract for deed, a mortgagee or vendee in possession, a

mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, or other person, firm or corporation in control of the freehold of the premises or lesser estate therein. Owner also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

- E. "Responsible party" is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property, upon which the building is located, or any other person or entity having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company, or similar person or entity.
- F. "Unoccupied building" is a building which is not being used for legal occupancy as defined in the St. Francis City Code.
- G. "Vacant building" means a building, other than a building under construction pursuant to a valid building permit that is unoccupied for sixty (60) consecutive days.

4-7-3: VACANT BUILDING REGISTRATION.

- A. Application. The owner or responsible party shall register a vacant building with the City no later than sixty (60) days after the building becomes vacant. The registration shall be submitted on a form provided by the City and shall include the following information supplied by the owner or responsible party.
 - 1. The name, address, telephone number and email address, if applicable, of each owner and each owner's representative.
 - 2. The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other persons or entities with any legal interest in the building.
 - 3. The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property.
 - 4. Property identification number and street address of the premises on which the building is situated.

5. The date the building became vacant, the period of time the building is expected to remain vacant, and a written property plan and timetable as described in Section 4-7-3.D for returning the building to lawful occupancy or use, or for demolition of the building.
 6. The status of water, sewer, natural gas and electric utilities.
- B. Notification. The owner shall notify the compliance official within thirty (30) days of changes in any of the information supplied as part of the vacant building registration.
- C. Administrative Registration. If the compliance official determines that a building has been vacant for at least sixty (60) days and has not been registered by its owner or responsible parties, the compliance official may administratively register the building and attempt to notify the owner of that registration based on such information as is reasonably available to the compliance official. Properties registered administratively will be charged a registration fee and an administrative fee as established in the City's fee schedule.
- D. Property Plan. The property plan identified above in Section 4-7-3.A.5 shall meet the following requirements:
1. General Provisions. The plan shall comply with all applicable regulations as determined by the building official. It shall contain a timetable regarding use or demolition of the buildings on the property. All actions necessary for compliance with this section shall be completed within thirty (30) days after the building is registered.
 2. Maintenance of Building. The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application or arising since application, or as identified by the building official including correcting all conditions to be in compliance with Section 4-7-4 of this Code. Any repairs, improvements or alterations to the property shall comply with State Building Code provisions and applicable City regulations.
 3. Plan Changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall be submitted to the City in writing and meet the approval of the compliance official.
 4. Demolition. Vacant buildings that are hazardous or substandard may be demolished pursuant to Minn. Stats. §§ 463.15 through 463.261. As part of a property plan, the owner may request or consent to demolition of a structure and the City may commence abatement and cost recovery proceedings for the abatement in accordance with Section 8-2-2 of the City Code and Minn. Stats. § 429.101.

- E. Fees. The owner of vacant buildings or responsible parties shall pay a fee at the time of registration. In subsequent years, fees shall be due on the anniversary date of the original registration. The fees must be paid in full prior to the issuance of any building permits. The registration fee will be in an amount set forth in the City's fee schedule. The amount of the registration fee shall be reasonably related to the City's costs incurred in the administration and enforcement of the vacant buildings registration and monitoring program described in this article.
- F. Assessment. If the registration fee or any portion is not timely paid, the City Council may certify the unpaid fees against the property in accordance with Minn. Stats. § 429.101.

4-7-4: MAINTENANCE OF VACANT BUILDINGS. The owner or responsible party shall comply with all City ordinances and additionally ensure the property is maintained to the following standards:

- A. Appearance. All vacant buildings shall be maintained as required in Chapter 8 of the City Code. All vacant buildings shall be maintained and kept as to appear to be occupied.
- B. Security. All vacant buildings shall be secured from unauthorized entry. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each room within the building. Exterior doors, walls, windows, and roofs shall be without holes or significant structural defects.
- C. Temporary Securing. Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors, and other openings for a maximum period of thirty (30) days.
- D. Emergency Securing. The compliance official may take immediate steps to secure a vacant building at his or her discretion in emergency circumstances with such costs for securing at the expense of the property owner plus any administrative fees as set forth in the City's fee schedule.
- E. Fire Safety.
 - 1. Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances, and assemblies in operating condition.
 - 2. The owner of any vacant building shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.

- F. Plumbing Fixtures. Plumbing fixtures and pipes shall be maintained in sound condition and good repair. The water system shall be protected from freezing.
- G. Electrical. Electrical service lines, wiring, outlets, or fixtures shall be maintained in good condition or repaired.
- H. Heating. Heating systems shall be maintained in good condition or repaired.
- I. Discontinuance of Utilities. Utilities may be discontinued in a vacant building but the plumbing, electrical, and heating systems and fixtures shall be maintained or repaired as to be capable of competent operation when utility services are restored.
- J. Termination of Utilities. The Compliance Official may order the termination of water, sewer, electricity, or gas service to the vacant building. Prior to the termination of any utility service, written notice must be given to the owner. The Compliance Official may authorize immediate termination of utilities in emergency circumstances. No utility terminated by order or action of the Compliance Official may be restored without consent of the Compliance Official.
- K. Exterior Maintenance. The owner must comply with all applicable property maintenance regulations and City Codes including but not limited to the maintenance of vegetation as required by Section 8-2-3 and ice and snow removal as required by Section 7-2-1.

4-7-5: INSPECTION OF VACANT BUILDINGS.

- A. Inspection. Registration of a vacant building shall constitute consent by the owner or responsible party to the City to go upon the property for inspection purposes. The compliance official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with this article and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building(s) and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the City may use any legal means to gain entrance to the building for inspection purposes.
- B. Notice of Violation. All violations found by the compliance official during the inspection in Section 4-7-4.A shall be corrected by the owner within the period of time established by the compliance official in the notice of violation. The period to correct the violations shall follow the procedure established in Section 2-11-3 of the City Code.

- C. Re-occupancy Inspection. Prior to any re-occupancy or reuse, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine the building is fit for human occupation consistent with the Minnesota State Building Code. All applicable building permit fees as needed shall be paid prior to building occupancy.

4-7-6: PENALTIES. Any person or responsible party who violates the provisions of this Chapter is subject to penalty as provided under Section 2-1-2 of this Code. Nothing in this section, however, is deemed to impair other remedies available to the City under this Code or state law including, but not limited to, Minn. Stats. §§ 463.15 through 463.261 and City Code Section 2-11.

Chapter 253

RENTAL DWELLINGS

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| <p>§ 253-1. Purpose and intent.</p> <p>§ 253-2. Definitions.</p> <p>§ 253-3. License required; term; renewals.</p> <p>§ 253-4. Residency requirements for owners.</p> <p>§ 253-5. Application for rental dwelling license.</p> <p>§ 253-6. Fees.</p> <p>§ 253-7. Conditions of license issuance.</p> <p>§ 253-8. Inspections, investigations and maintenance.</p> | <p>§ 253-9. Nontransferability of license.</p> <p>§ 253-10. Conduct of licensed property.</p> <p>§ 253-11. Landscaping; snow removal.</p> <p>§ 253-12. Fire control regulations.</p> <p>§ 253-13. License revocation or suspension.</p> <p>§ 253-14. No retaliation.</p> <p>§ 253-15. Summary of action.</p> <p>§ 253-16. Appeals.</p> <p>§ 253-17. Applicable laws.</p> <p>§ 253-18. Availability of information.</p> <p>§ 253-19. Violations and penalties.</p> |
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[HISTORY: Adopted by the City of Isanti 5-6-2008 by Ord. No. 434. Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 160 and Ch. A344.

Residential property maintenance standards — See Ch. 256.

§ 253-1. Purpose and intent.

It is the purpose of this chapter to protect the public health, safety and welfare of citizens of the City that have as their place of abode a living unit furnished to them for the payment of a rental fee to another. It is the intent of this chapter that uniform standards be established and applicable for all rental dwellings in the City.

§ 253-2. Definitions.

The following words and terms used in this chapter are construed and defined as follows:

DWELLING UNIT — A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, eating, cooking, and sanitation.

OPERATE — To charge a rental fee for the use of a living unit in a rental dwelling.

RENTAL DWELLING — Any building with living unit(s) for hire. "Rental dwelling" does not mean on-campus dormitories, hospital units, nursing home units, assisted living units, and

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hotels or motels with daily rental units, located within the City, all of which shall be specifically exempt from registration and license under this chapter.

§ 253-3. License required; term; renewals.

No person, firm, corporation or other entity shall allow to be occupied or let to another a living unit in a rental dwelling for which a license has not been granted by the City. The license shall be issued biennially and shall expire on December 31, the second year after issuance. License renewals shall be filed at least 60 days prior to license expiration.

§ 253-4. Residency requirements for owners.

Owners of property for rent must reside within Isanti County or a county adjacent to Isanti County. The owner of the property whether individual, partnership, corporation, etc., must reside within Isanti County or a county adjacent to Isanti County or shall have an appointed and authorized agent that resides within Isanti County or a county adjacent to Isanti County. The agent shall have full authorization to care for all matters pertaining to operations, maintenance, etc., of the subject property and grounds.

§ 253-5. Application for rental dwelling license.

- A. Applications for rental dwelling licenses shall be made in writing to the City by the owner of the dwelling units or his/her legally designated agent. Before any rental dwelling license shall be issued or renewed, the owner shall complete an application. The following persons shall be authorized to sign and submit the application:
- (1) If the owner is a natural person, the owner thereof.
 - (2) If the owner is a corporation, an authorized officer or agent thereof.
 - (3) If the owner is a partnership, by a general partner thereof.
- B. The registration statement shall be made on forms prescribed by the City and shall include:
- (1) The name, address and phone number of the owner of the rental dwellings.
 - (2) The name, address and phone number of any operator or agent actively managing the rental dwelling. If off site, provide further data as to who it is.
 - (3) If the operator or agent is a business entity, the names, telephone numbers, and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
 - (4) If the registrant is a partnership, the name, address and phone number of all partners.
 - (5) If the registrant is a corporation, the name, address and phone number of all officers.

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- (6) If the rental dwelling is being sold on a contract for deed, the name and address for the vendees.
 - (7) The legal address of the rental dwelling.
 - (8) The number of units within the rental dwelling.
- C. Notification by the rental operator shall be given to the City within five business days with any change of information as required and stated in the initial application.

§ 253-6. Fees.

A. License fees.

- (1) Fees established; due date. License fees as set by the adoption of a fee schedule by the City Council shall be due 60 days prior to the license expiration date. (In the case of a new unlicensed rental dwelling, the license fee shall be due upon issuance of the certificate of occupancy prior to becoming a rental unit). In the case of licensing periods of less than two years, license fees shall be at the full rate as shown on the City's fee schedule. A license fee shall be collected for each unit in a rental dwelling, except owner-occupied units, which shall be exempt from inspection. [Amended 8-18-2009 by Ord. No. 462]
 - (2) Filing due date and penalty. An applicant shall have an application window from not more than 90 days before the beginning of the licensing period to not less than 60 days before the beginning of the license period to submit the completed application, fees and relevant items. If an application is made less than 60 days before the beginning date of the license period applied for, then the fee shall be accompanied by an additional amount equal to 100% of such license fee. The additional amount shall be a penalty for a late application, with the exception of the first year of the adoption of this chapter. In no case shall there be a lapse in the license period. Failure to maintain the license on a current basis shall constitute a violation of this chapter. The late penalty is established for those licensees who have failed to submit an application as specified in this chapter. All new owners must submit an application, pass an inspection and obtain a new rental license; the old license is not transferable.
- B. Reinspection fee. A fee as set by the City Council shall be charged for all reinspection necessary after the first reinspection prior to the receipt of a license. The reinspection fee(s) will be payable at the time of license renewal for the property.

§ 253-7. Conditions of license issuance.

- A. Compliance with chapter. The City shall issue a rental dwelling license if the building and the application are found to be in compliance with the provisions of this chapter.
- B. Conformance to laws. No rental dwelling license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of the City and the laws of the State of Minnesota.

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- C. The Council, in its discretion, may have the right to refuse to issue or renew a license for any premises on which taxes, assessments or other financial claims of the City are delinquent or unpaid. Delinquent or unpaid taxes, assessments or other financial claims of the City on the premises for which the license has been issued may be grounds for the revocation of a rental license. [Added 3-17-2009 by Ord. No. 456]

§ 253-8. Inspections, investigations and maintenance.

- A. No rental dwelling license shall be issued or renewed unless the owner of the rental units agrees in his/her application to permit inspections pursuant to this section.
- B. Every housing dwelling unit shall maintain the standards as stated in Chapter 256, Residential Property Maintenance Standards.
- C. The Building Official/Inspector, Fire Marshal and/or their designated representatives are hereby authorized to enter the property and premises to conduct inspections reasonably necessary to the enforcement of this chapter.
- D. Persons inspecting any rental housing dwelling as provided herein shall notify the license holder and/or applicant of all violations, if any, by issuing a written compliance order. Said compliance order shall direct that compliance on housing maintenance code violations be made in no more than seven days, unless extended by the Building Official/Inspector and/or Fire Marshal based on good cause.
- E. All units shall have the appropriate smoke and carbon monoxide detectors as required in the Minnesota State Building Code. [Amended 7-1-2008 by Ord. No. 438]

§ 253-9. Nontransferability of license.

No rental dwelling license shall be transferable to another person or to another rental dwelling. Every person holding a rental dwelling license shall give notice in writing to the City within five business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such dwelling or dwellings.

§ 253-10. Conduct of licensed property.

- A. Disorderly premises. It shall be the responsibility of the licensee to see that persons occupying the living units conduct themselves in a manner as not to cause the premises to be disorderly. For the purpose of this section, a licensed property shall be deemed disorderly upon the repeated occurrence within any twelve-month period of any one or more of any of the following activities:

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- (1) Any violation of federal, state, or local statutes regarding controlled substances.
- (2) Prostitution or prostitution-related activity.
- (3) Illegal gambling or gambling-related activity.
- (4) Illegal sales or consumption of any controlled substance, including but not limited to drugs or alcohol.

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- (5) Actions which constitute a violation of any Minnesota Statutes relating to disorderly conduct.
 - (6) Events which disturb the peace and tranquility of the neighborhood.
 - (7) Congregating in a tumultuous, noisy or rowdy crowd.
 - (8) Loud music constituting a nuisance or disturbing the peace.
 - (9) Activities causing excessive pedestrian, bicycle or vehicular traffic and/or parking problems and congestion.
 - (10) Indecent exposure or lewd conduct.
 - (11) Maintaining or permitting a public nuisance² in violation of any Minnesota Statutes.
 - (12) Any firearms or weapons activities in violation of any Minnesota Statutes.
 - (13) Any underage tobacco use or possession in violation of Minnesota Statutes.
 - (14) Any other actions which constitute a public nuisance under federal, state, or local laws or ordinances.
- B. Enforcement authority. The City Administrator and his/her designee shall be responsible for enforcement and administration of this chapter. Authority to take any action authorized by this chapter may be delegated to the City Administrator's designee.
- C. Other rules. Other rules and regulations as stipulated in Minn. Stat. Chapter 504B, as may be amended, also apply to this chapter.
- D. Notice of violation.
- (1) Upon determination by the City that a dwelling unit was used in a disorderly manner, as described in this section, the City shall give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations. The disorderly manner shall be as defined in this section.
 - (2) Steps for notice:
 - (a) There shall be verification of the occurrence of conduct prohibited by this chapter.
 - (b) Letter is sent via certified mail to the applicant of the rental license and the rental maintenance company notifying them of the violation and ordering remediation. The notice shall be sent within one month of the occurrence of the most recent violation noted therein.
- E. Second instance.

2. Editor's Note: See Ch. 216, Nuisances, of this Code.

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- (1) If a second instance of disorderly use of the dwelling unit occurs within three months of an incident for which a notice was given as specified in Subsection D of this section, the City shall notify the licensee to submit a written report of the actions taken and proposed to be taken by the licensee to prevent further disorderly use of the dwelling unit.
 - (2) This written report shall be submitted to the City within five days of receipt of the notice/report of disorderly use of the living unit and shall detail all actions taken by the licensee in response to all notices of disorderly use of the dwelling unit within the preceding three months.
- F. Third instance. If a third instance of disorderly use of the dwelling unit occurs within three months after any two previous instances of disorderly use for which notices were given to the licensee pursuant to Subsections D and E of this section, the rental dwelling license for the rental dwelling may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City which shall give to the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension or nonrenewal. Such written notice shall specify all violations of this section and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than 10 days and no more than 30 days after giving such notice.
- G. Action of the City Council. Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the rental dwelling or may grant a provisional license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.
- H. Eviction proceedings. No adverse license action shall be imposed where the instance of disorderly use of the living unit occurs during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's dwelling unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, any action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.
- I. Evidence of disorderly manner. A determination that the rental dwelling unit has been used in a disorderly manner as described in this section shall be made upon substantial evidence to support such determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such criminal charge operate as a bar to adverse license action under this section.
- J. Serving notice. All notices given by the City under this section shall be personally served on the licensee, sent by certified mail to licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed rental dwelling.

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- K. Council action not exclusive. Enforcement actions provided in this section shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling as is authorized by this chapter or state law.

§ 253-11. Landscaping; snow removal.

Each rental dwelling shall be maintained by its owner, occupant, operator or agent so that the yards, open spaces and parking facilities are kept in compliance with all applicable laws and ordinances. In addition, snow plowing or snow shoveling shall be regularly accomplished to maintain all sidewalks and parking areas in a safe condition.

§ 253-12. Fire control regulations.

An owner, operator or agent of a rental dwelling shall be responsible for compliance with the applicable provisions of the Fire Code of the City, including the keeping of all fire lanes open for emergency purposes.

§ 253-13. License revocation or suspension.

- A. Reason for action. The Council may revoke, suspend, deny or decline to renew any license issued under this chapter upon any of the following grounds:
- (1) False statements on any application or other information or report required by this chapter to be given by the applicant or licensee.
 - (2) Failure to pay any application, penalty, reinspection, or reinstatement fee required by this chapter or resolution.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Failure to comply with the provision of an approved mitigation plan in the case of provisional licenses.
 - (5) Any other violation of this chapter.
- B. Applicable sections. Revocation, suspension, and nonrenewal may be brought under either this section or § 253-10 of this chapter.
- C. Regular license. A regular license may be revoked, if at midterm, or not renewed, if at the end of a term, upon a finding that the premises are only eligible for a provisional license as provided in § 253-10 of this chapter.
- D. Written notice. A decision to revoke, suspend, deny or not renew a license shall be preceded by a written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given the opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.

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- E. Action of City Council. The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good-faith efforts to comply and shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings. The City Council may suspend or revoke a license or not renew a license for part or all of the rental dwelling.
- F. Reinstatement of license. Upon a decision to revoke, deny, or not renew a license, no new applicant for the same facility will be accepted for a period of time specified in a written decision of the City Council, not exceeding one year. Such new applications must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this chapter.
- G. No new rentals. A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the rental dwelling to which this applies. Thereafter, and until a license is reissued or reinstated, no living unit becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension, or nonrenewal of a license shall not excuse the owner from compliance with all terms of this chapter for as long as any units in the rental dwelling are occupied.
- H. Failure to comply. Failure to comply with this chapter is a misdemeanor.

§ 253-14. No retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good-faith calls made by such tenant to law enforcement agencies related to criminal activity, suspected criminal activity, suspicious occurrences, or public concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

§ 253-15. Summary of action.

When the conduct of any licensee or his/her agent, representative, employee or lessee or the condition of his/her dwelling is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the City shall have the authority to summarily condemn or close off such area of the rental dwelling.

§ 253-16. Appeals.

Any person aggrieved by a decision of the City to cease business or revoke or suspend the license shall be entitled to appeal to the City Council immediately by filing a notice to appeal. The City shall schedule a date for hearing before the City Council and notify the aggrieved person of the date. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action. The decision of the City shall not be voided by the filing of such appeal. Only after the City Council has held its hearing will the decision of the City be affected.

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§ 253-17. Applicable laws.

Licenseses shall be subject to all of the ordinances of the City and laws of the state related to rental dwellings. This chapter shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

§ 253-18. Availability of information.

Rental applications, payment of fees and fine information may be obtained at City Hall offices during regular business hours.

§ 253-19. Violations and penalties. [Amended 7-1-2008 by Ord. No. 438]

By December 31, 2008, all owners of residential property subject to the terms of this chapter shall be in full compliance with the terms of this chapter. All violations of this chapter occurring thereafter shall be punishable as a misdemeanor by a maximum fine of \$1,000 or a term of imprisonment of not to exceed 90 days, or both, plus costs of prosecution in either case.

CHAPTER 99: REQUESTS FOR RENTAL HOUSING INSPECTION

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§ 99.01 PURPOSE.

It is the purpose of this subchapter to provide a mechanism for a Tenant, Owner, or Neighborhood Association to request the City of Cambridge to inspect a Rental Dwelling or Living Unit for let for occupancy for compliance with building code, fire code, and the City’s housing maintenance code so as not to become a nuisance to the neighborhood and/or community.

§ 99.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CITY ADMINISTRATOR. The City Administrator or the City Administrator’s designee.

LET FOR OCCUPANCY or TO LET. To permit possession or occupancy of a dwelling or living unit by a person who is not the legal Owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

LIVING UNIT. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

NEIGHBORHOOD ASSOCIATION (Housing Related). "Housing-related neighborhood organization" means a nonprofit corporation incorporated under chapter 317A that:

- (1) designates in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and
- (2) is formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

For purposes of this chapter, an action taken by a Neighborhood Association with the written permission of a residential Tenant means, with respect to a building with multiple dwelling units, an action taken by the neighborhood organization with the written permission of the residential Tenants of a majority of the occupied units.

NO OCCUPANCY ORDER. The rental dwelling cannot be used for sleeping, eating, cooking, or living.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual Owner.

RENTAL DWELLING. Any apartment, general housing unit, or single family dwelling let for occupancy.

TENANT. Tenant means a person who is occupying a dwelling in a residential building under a lease or contract, whether oral or written, that requires the payment of money or exchange of services, all other regular occupants of that dwelling unit, or a resident of a manufactured home park.

VIOLATION. A deficiency of any state or city health, safety, housing, building, fire prevention, or housing maintenance code applicable to the building.

§ 99.03 INSPECTIONS AND FEES

- (A) Responsibility. It is the responsibility of the Owner to be in compliance with City ordinances and State laws.
- (B) Maintenance standards. Every rental dwelling must maintain the standards in the City Housing Code Chapter 97, in addition to any other requirement of the ordinances of the City or the laws of the State of Minnesota.
- (C) Inspections and Fees.
 - (1) The City Administrator is authorized to make inspections at the request of a Tenant, Owner, or Neighborhood Association to ensure compliance with building code requirements, fire code requirements, and city ordinances such as the City's Housing Code.
 - (2) All designated agents authorized to make the requested inspection may enter at reasonable times any rental dwelling with the Tenant's or Owner's permission. If any Owner, operator, occupant or other person(s) in charge of a rental dwelling refuses to permit access and entry to the rental dwelling, or any part thereof, the designated agent may, upon showing that probable cause exists for the inspection, seek a court order directing compliance with the inspection in order to secure entry.
 - (3) The requested inspection will be conducted and a fee charged in accordance with the City's Licenses, Fees, and Permits Ordinance.
 - (a) If violations are not corrected and reinspections are required, a fee will be charged for each subsequent re-inspection occurring after the due date for compliance with an order. The amount of the re-inspection fee will be set by ordinance of the City Council.

- (b) The violation and/or re-inspection fees prescribed above are to be billed directly to the Owner of the property.
- (c) The City Administrator may waive a re-inspection fee in case of error, mistake, injustice, or other good cause.
- (d) Failure to attend a scheduled inspection date or failure to pay any fees associated with inspections may have additional penalties and/or fines as outlined in Chapter 38 of the City Code.

§ 99.04 SUMMARY ACTION REMEDIES

When the conduct of any Owner/licensee or their agent, representative, employee or lessee or the condition of their rental dwelling is detrimental to the public health, sanitation, safety and general welfare of the community at large or residents of the rental dwelling as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the City Administrator has the authority to issue a No Occupancy Order or close off individual units or such areas of the rental dwelling.

Notice of No Occupancy Order must be posted at the location of the rental dwelling and at the units or areas affected and shall indicate the units or areas affected. Upon notice of a No Occupancy Order, the City Administrator may impose terms and conditions as necessary to remedy the nuisance, fire hazard, or other unsafe or dangerous condition.

§ 99.05 OWNER'S RIGHT TO APPEAL

Any person aggrieved by a decision or action of the City Administrator shall be entitled to appeal to the City Council by filing a notice of with the City Administrator. The appeal must be filed within ten (10) days of the City Administrator's decision. The City Administrator will schedule a date for a hearing before the City Council and notify the aggrieved person of the date.

The hearing must be conducted in the same manner as if the aggrieved person had not received summary action. The decision of the City Administrator is not voided by the filing of such appeal. Only after the Council has held its hearing will the decision or action of the City Administrator be affected.

§ 99.06 ASSESSMENT OF UNPAID FEES OR FINES

Any unpaid violation fine or reinspection fees may be assessed against the property in the manner set forth in §38.07 of the City Code.