

## CHAPTER 151: RENTAL PROPERTIES

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## REGISTRATION AND LICENSING

### § 151.01 PURPOSE.

It is the purpose of this subchapter to assure that rental housing in the city 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 dwelling units 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 and

free from crimes and criminal activity, nuisances or annoyances.

(Ord. 82B, passed 2-16-2011)

### **§ 151.02 PREAMBLE.**

The city believes that providing for public health, safety and welfare to its citizens mandates the existence of a rental dwelling unit license and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units.

(Ord. 82B, passed 2-16-2011)

### **§ 151.03 SCOPE.**

This subchapter applies to all dwelling units that are leased in whole or in part as rental dwelling units or are available as rental housing. It includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls which are on the premises. This section does not apply to the state's Department of Health licensed rest homes, convalescent care facilities, nursing homes, hotels or motels licensed by the city.

(Ord. 82B, passed 2-16-2011)

### **§ 151.04 DEFINITIONS.**

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

**APARTMENT BUILDING.** Any building or portion thereof that contains three or more dwelling units, sleeping rooms, or a combination thereof, but not including condominiums or townhomes.

**CITY.** The City of St. Bonifacius.

**CITY COUNCIL.** The City Council of the City of St. Bonifacius.

**CODE OFFICIAL.** The Code Official for the city or his or her duly authorized representative(s).

**CONDOMINIUM.** A single dwelling unit in a multi-dwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the premises. Each individual owner may sell or encumber his, her or its own dwelling unit.

**DENIAL.** As used in this code of ordinances, the refusal to grant a license to a new or renewing applicant by the city.

**DWELLING UNIT.** Any building or portion thereof that contains living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family in a single habitable unit. Each room or group of rooms with:

- (1) An entrance door to the exterior of the building; or
- (2) An entrance door to a common corridor or hallway is a separate dwelling unit.

**EFFICIENCY DWELLING UNIT.** A dwelling unit containing only one habitable room, plus bathroom facilities.

**LEASE.** An oral or written agreement between a rental dwelling unit owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

**LICENSE.** The formal approval of an activity specified on the certificate of license issued by the city.

**LICENSE APPLICATION.** The form provided by the city, which must be completed by the owner, by which an owner requests a license.

**LICENSEE.** An owner of a rental dwelling unit who has been issued a license by the city for the rental dwelling unit.

**OWNER.** A person or entity that has an ownership interest in a rental dwelling unit.

**PREMISES.** The real estate upon which any rental dwelling unit subject to this subchapter is located.

**RENT.** The consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

**RENTAL DWELLING UNIT.** A dwelling unit or sleeping room occupied and leased by a tenant or made available for occupancy by a prospective tenant.

**REVOKE.** To take back a license issued by the city.

**SINGLE-FAMILY DWELLING.** A building or portion thereof containing one dwelling unit. For purposes of this section, a single-family dwelling unit includes a freestanding single-family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a non-residential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

**SLEEPING ROOM.** Any room or rooms used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the state's Department of Health.

**SUSPEND.** To make a license temporarily inoperative.

**TENANT.** Any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the rental dwelling unit.

**TOWNHOUSE.** A single-family dwelling constructed in a group of dwellings attached to each other and where each dwelling unit extends from the foundation to the roof and is separated from other dwelling units by property lines.

**TWO-FAMILY DWELLING.** A building or portion thereof containing two dwelling units.

(Ord. 82B, passed 2-16-2011)

## **§ 151.05 RENTAL LICENSE; ISSUANCE.**

### *(A) General.*

(1) *Required.* No person shall operate, let or cause to be let a rental dwelling unit which has not been properly licensed by the city in the manner required by this subchapter. A license must be obtained for each rental dwelling unit. If two or more rental dwelling units are located within a single building, each rental dwelling unit must have a separate license. Upon receipt of the properly executed application for a rental license, the Code Official shall, after request by the owner on such form as the Code Official requires, cause an inspection to be made of the rental dwelling unit(s) to determine whether it is in compliance with this subchapter, other city ordinances and the laws of the state. Every rental dwelling unit shall be re-inspected after a renewal license application is filed to determine if it conforms to all applicable codes and ordinances.

(2) *License application filed.* A license application shall be submitted to the Code Official on a form furnished by the city and must contain the following information:

- (a) Name, address and telephone number of the owner of the rental dwelling unit(s). This is the address that all future correspondence from the city will be sent to. The owner shall indicate if the owner is a corporation, partnership or sole proprietorship;
- (b) Name, address and telephone number of any owner's agent responsible for the management of the rental dwelling unit(s);
- (c) Legal address of the rental dwelling unit(s); and
- (d) Number and type of dwelling unit(s) (one bedroom, two bedrooms and the like).

(3) *Changes in ownership and amended licenses.* A license is not assignable. Any changes occurring in the ownership of a rental dwelling unit(s) require a new license. The new owner must obtain a new license within 30 days of acquiring the premises. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the city within 30 days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional rental dwelling units.

(4) *Bi-annual licensing.* All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire bi-annually at midnight on June 1 of even-numbered years. The license for each rental dwelling unit must be renewed bi-annually on or before June 1 of even-numbered years. Rental dwelling units must be registered as a sleeping room, a single-family dwelling, a two-family dwelling or an apartment building. Any unlicensed rental dwelling units are subject to penalties as provided in § 151.99 of this chapter. The fully completed license application must be submitted to the city with the required fee no later than April 15 of the even-numbered year. The owner or applicant must complete such forms as the Code Official requires and arrange for the inspection by the Code Official on or before May 1 of the even-numbered year.

(5) *License fee.* The license fee required by this subchapter is as set forth in the annual fee schedule per rental dwelling unit. Such fee must accompany the license application. The license fee is doubled when a license application is received more than 30 days after it was due. Exception: rental dwelling units owned or under the control of the city must be licensed, but are exempt from paying license fees.

(6) *Record retention.* The license application and all other documents pertinent to a rental dwelling unit shall be kept on file in the office of the Code Official. A copy shall be furnished to the owner or other authorized person upon request.

(B) *Issuance of license.* The city shall issue a license if, following inspection by the Code Official, the rental dwelling unit(s) and the license application are found to be in compliance with the provisions of this section, subject to § 151.08 of this chapter and any required license fees are paid. A license will be issued for each rental dwelling unit. If two or more rental dwelling units are located within a single building, each rental dwelling unit must have a separate license. Rental licenses are not required to be posted, however, the property owner or agent for the owner must be able to present the license if asked to do so.

(Ord. 82B, passed 2-16-2011) Penalty, see § 151.99

## § 151.06 AUTHORITY.

The Code Official shall be responsible for enforcement and administration of this subchapter. Authority to take any action authorized under this section may be delegated to the Code Official's authorized designee.

(Ord. 82B, passed 2-16-2011)

## § 151.07 INSPECTION.

The Code Official may, in addition to inspections in conjunction with a license application, set up a schedule of periodic inspections to ensure compliance with this subchapter. The Code Official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Each occupant of a rental dwelling unit shall give the owner or the owner's agent access to any part of such rental dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this subchapter. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under his, her or its control for an inspection pursuant to this subchapter, the Code Official may seek a court order authorizing such inspection.

(Ord. 82B, passed 2-16-2011)

## § 151.08 DISORDERLY BEHAVIOR AT PREMISES.

(A) *Responsibility.* It shall be the licensee's responsibility to assure that the tenant, the tenant's family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit or on the premises. For the purposes of this section, the rental dwelling unit shall include common areas in the building where the rental dwelling unit is located.

(B) *Disorderly behavior.*

(1) For the purposes of this section, **DISORDERLY BEHAVIOR** may include, but is not limited to, the following:

(a) Drug related illegal activity in the rental dwelling unit or on the premises. **DRUG-RELATED ILLEGAL ACTIVITY** means the illegal possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance (as defined in the Controlled Substance Act (21 U.S.C. § 802)) or possession of drug paraphernalia (M.S. § 152.092, as it may be amended from time to time). A tenant shall be deemed to be in possession of a controlled substance if any

amount is located in the tenant's rental dwelling unit or on the premises even if the tenant claims not to know the controlled substance was present unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was theirs and the tenant had no knowledge of the controlled substance;

(b) Acts of violence or threats of violence including, but not limited to, discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the licensee, or his or her agents or tenants, including any assault or act of arson listed in M.S. Ch. 609, as it may be amended from time to time;

(c) Violation of M.S. § 609.72 (Disorderly Conduct), as it may be amended from time to time;

(d) Violation of M.S. §§ 609.74 and 609.745 (Public Nuisance), as they may be amended from time to time;

(e) Violation of M.S. §§ 609.66, Subd. 1a, 609.67 or 624.713 (Unlawful use or possession of a firearm or weapon), as they may be amended from time to time;

(f) Violation of M.S. § 609.50 (Obstructing Legal Process), as it may be amended from time to time;

(g) Violation of §§ 132.01 through 132.03 of this code of ordinances (Firearms);

(h) Violation of §§ 92.01 through 92.03 of this code of ordinances (Nuisances); and/or

(i) Violation of M.S. § 609.53 (Receiving Stolen Property), as it may be amended from time to time.

(2) Exceptions:

(a) Calls will not be counted for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the victim and suspect are "family or household members" as defined in the Domestic Abuse Act, M.S. § 518B.01, Subd. 2(b), as it may be amended from time to time, and where there is a report of "domestic abuse" as defined in the Domestic Abuse Act, M.S. § 518B.01, Subd. 2(a), as it may be amended from time to time; and

(b) Calls will not be counted for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant's household or guest taking action to seek emergency assistance that is protected by M.S. § 504B.205, as it may be amended from time to time, residential tenant's right to seek police and emergency assistance.

(C) *First instance.* Upon determination by the Code Official that a rental dwelling unit or the premises was the location of disorderly behavior, the police and/or the City Administrator/Clerk/Treasurer shall notify by first class mail the licensee and tenant of the violation and direct the licensee to take steps to prevent further violations.

(D) *Second instance.* If a second instance of disorderly behavior occurs at a rental dwelling unit or on the premises within three months of the time a notice was sent for previous disorderly behavior at the same rental dwelling unit, the police and/or the City Administrator/Clerk/Treasurer shall notify by first class mail the licensee and the tenant of the violation and direct the licensee to submit, within ten days of the date of the notice, a written report of all actions taken by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior.

(E) *Third instance.* If a third instance of disorderly behavior occurs at a rental dwelling unit or on the premises within three months after the first of two previous notices of disorderly behavior at the same rental dwelling unit, the rental dwelling unit license may be revoked, suspended or not renewed by the City Council.

(F) *Types.* For purposes of this section, second and third instances of disorderly behavior shall be those which:

(1) Occur at the same rental dwelling unit;

(2) Involve tenants at the same rental dwelling unit;

(3) Involve guests or invitees at the same rental dwelling unit;

(4) Involve guests or invitees of the same tenant; or

(5) Involve the same tenant.

(G) *Postponing license action.* No adverse license action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse license action may proceed when the licensee fails to diligently pursue the eviction process. Further, an 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 the licensee has taken appropriate measures which will prevent further instances of disorderly behavior which may include commencing and prosecuting an eviction process.

(H) *Enforcement.* 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 unit(s) as is authorized by this subchapter or state law.

(Ord. 82B, passed 2-16-2011)

### **§ 151.09 REVOKING, SUSPENDING, DENYING OR NOT RENEWING LICENSE; EFFECT.**

(A) *General.*

(1) *License action.* The City Council may revoke, suspend, deny or decline to renew any license issued under this subchapter. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the discretion of the City Council. The basis for such revocation, suspension, denial or non-renewal includes any of the following circumstances:

(a) The license was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit;

(b) The owner, applicant or one acting in his or her behalf made oral or written misstatements accompanying the license application;

(c) The owner, applicant or one acting in his, her or its behalf has failed to comply with any condition set forth in any other permits granted by the city for the premises or a rental dwelling unit on the premises;

(d) The activities of the owner/applicant create or have created a danger to the public health, safety or welfare for the premises or a rental dwelling unit on the premises;

(e) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public;

(f) Failure to pay any application, penalty or reinstatement fee required by this section and City Council resolution;

(g) Following the third instance of disorderly behavior specified in § 151.08 of this chapter that is not subject to the exception set forth in § 151.08(B)(2) of this chapter or the circumstances set forth in § 151.08(G) of this chapter;

(h) Violation of any regulation or provision of the subchapter applicable to the activity to which the license has been granted or any regulation or law of the state so applicable;

(i) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the license; and/or

(j) Any violation of this section.

(2) *Notification.* The Code Official shall notify the owner or the owner's agent in writing of the basis for the revocation, suspension, denial or non-renewal and the date upon which the City Council shall review the request to revoke, suspend or deny the license or if the basis for a non-renewal of the license is for a reason other than the physical condition of the rental dwelling unit or the premises. The notice required by this section shall be served upon the owner or the owner's agent at least 20 days before the City Council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the license application. It shall be the responsibility of the owner or the owner's agent to notify the tenant in writing of the hearing date, time and place.

(3) *Hearing.* The owner or the owner's agent and the Code Official shall be given an opportunity to be heard. The owner may be represented by counsel. Both sides may be permitted to examine the other side's witness(es). The City Council shall hear all relevant evidence and arguments and shall review all testimony, documents and other evidence submitted. The City Council shall record the hearing and keep a record of documentary evidence submitted. No notice or hearing is required for non-renewal of a license where the rental dwelling unit(s) or the premises have not passed the inspection by the Code Official.

(4) *Decision.* The City Council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny or non-renew (solely for issues not related to physical condition of the rental dwelling unit or the premises) a license based on the findings. The City Council shall issue a written decision regarding the recommendation of the Code Official within

30 days following the date of the hearing and shall notify the appellant of the decision by first class mail with a duplicate copy to the Code Official. The decision shall specify the rental dwelling unit or the premises to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling unit that has had its rental license revoked, suspended, denied or non-renewed may be re-let or occupied. Revocation, suspension, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.

(5) *License process after revocation, suspension, denial or renewal declination.* After the City Council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling unit(s) until the Code Official determines that the applicant/licensee has remedied the conditions identified by the City Council as the basis for its action. A license application to obtain a license for a rental dwelling unit after the City Council has revoked, suspended, denied or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this subchapter.

(B) *Effect of revocation, suspension, denial or non-renewal.* If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant, or thereafter vacated, rental dwelling unit(s) until such time as a valid rental license is obtained for the rental dwelling unit(s). Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in § 151.05(A) of this chapter.

(Ord. 82B, passed 2-16-2011) Penalty, see § 151.99

### **§ 151.10 POSTED TO PREVENT OCCUPANCY.**

Whenever any rental dwelling unit has been denied an initial license or had its license revoked, suspended, denied or not renewed, it shall be posted by the Code Official to prevent further occupancy. No person, other than the Code Official, shall remove or alter any posting. The Code Official will post the date the rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling unit until the Code Official permits it.

(Ord. 82B, passed 2-16-2011) Penalty, see § 151.99

### **§ 151.11 NO RETALIATION.**

Per M.S. § 504B.205, Subd. 2, as it may be amended from time to time, emergency calls permitted:

(A) A landlord may not:

(1) Bar or limit a residential tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) Impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(B) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

(Ord. 82B, passed 2-16-2011)

### **§ 151.12 NO WARRANTY BY CITY.**

By enacting and undertaking to enforce this subchapter, the city, the city employees and the City Council and its agents do not warrant or guarantee the safety, fitness or suitability of any dwelling in the city. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(Ord. 82B, passed 2-16-2011)

## § 151.25 PURPOSE AND SCOPE.

(A) *Purpose.* The purpose of this subchapter is to provide minimum standards to safeguard life or limb, health and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the city used as rental housing. The purpose of this subchapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this subchapter.

(B) *Scope.* The provisions of this subchapter shall apply to all buildings or portions thereof leased for human living or sleeping purposes, including those in existence at the time of adoption of this subchapter. If any provision of this subchapter conflicts with the Building Code, Fire Code, Plumbing Code, Mechanical Code or any other state code or law, such code or law shall control.

(C) *Application to existing buildings.* Additions, alterations or repairs shall be done in compliance with the Building Code, Fire Code, Plumbing Code and Mechanical Code. Applicable permits shall apply as required by such codes.

(Ord. 83C, passed 2-16-2011)

## § 151.26 CONSTRUCTION AND DEFINITIONS.

Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Any term not defined below shall have its ordinary accepted meaning within the context it is used. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING CODE.** The Minnesota State Building Code.

**CODE OFFICIAL.** The city's Building Official, as appointed by the City Council, and any designee of such Code Official.

**ELECTRICAL CODE.** The Minnesota State Electrical Code.

**EXTERMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the Code Official.

**FIRE CODE.** The Minnesota State Fire Code.

**HEALTH OFFICER.** Any elected or appointed health officer of the state, the county or the city.

**INFESTATION.** The presence of insects, rodents or other pests in numbers large enough to be harmful, threatening or obnoxious to human life.

**LEASE, LEASED and LET.** In each instance any of these words is used, the giving of the use of a building or structure, or portion thereof, by an owner or manager to a tenant in return for rent.

**MANAGER.** A person or entity who has charge, care or control of a rental dwelling.

**MECHANICAL CODE.** The Minnesota State Mechanical Code.

**NUISANCE.** Any of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence;
- (2) Any unsafe condition that is attractive to minors including, but not limited to, unprotected well openings or excavations, abandoned refrigerators and structurally unsound fences;
- (3) Overcrowding of a rental dwelling unit with human occupants or personal property;
- (4) Insufficient ventilation or illumination of a rental dwelling unit;
- (5) Inadequate or unsanitary sewage or plumbing facilities serving a rental dwelling unit; or
- (6) Any unsafe condition, as determined by the Code Official or Health Officer.

**OWNER.** A person or entity that owns or has any ownership interest in a rental dwelling within the city.



**PLUMBING CODE.** The Minnesota State Plumbing Code.

**PREMISES.** Collectively, a rental dwelling and the parcel of land on which it is located.

**REFUSE.** All putrescible and non-putrescible waste solids including garbage and rubbish.

**RENT.** The consideration provided by a tenant (or on behalf of a tenant) for the temporary possession of a rental dwelling unit, whether paid in money, property or services.

**RENTAL DWELLING.** Any building or portion thereof that contains living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family in a single habitable unit. Each room or group of rooms with:

- (1) An entrance door to the exterior of the building; or
- (2) An entrance door to a common corridor or hallway is a separate rental dwelling unit.

**RENTAL DWELLING UNIT.** A room or group of rooms within a rental dwelling that has bathroom, kitchen and sleeping facilities for one household of related or unrelated tenants.

**RENTAL LICENSE.** A license issued by the city pursuant to §§ 151.01 through 151.12 of this chapter.

**SAFE.** Being reasonably free from dangers and hazards that may cause human injury or illness.

**SUBSTANDARD DWELLING UNIT.** Any rental dwelling unit that is not safe due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, abandonment or any other reason.

**TENANT.** A human occupant of a rental dwelling unit, whether one or more.

**UNSAFE.** Not safe.

**VARIANCE.** The difference between that which is required or specified and that which is permitted.

(Ord. 83C, passed 2-16-2011)

## § 151.27 RENTAL LICENSES.

No owner or manager shall allow the occupancy of a rental dwelling unit by a tenant prior to the issuance of a rental license by the city for the rental dwelling unit. Further, no owner or manager shall allow the occupancy of a rental dwelling unit by a tenant after the expiration of the rental license for the rental dwelling unit unless the rental license has been properly renewed.

(Ord. 83C, passed 2-16-2011)

## § 151.28 REQUIREMENTS.

(A) *Substandard dwelling unit.* No substandard dwelling units are allowed.

(B) *Condition.* No owner or manager shall allow infestation if extermination is not the tenant's responsibility by law.

(C) *Improper occupancy.* No rental dwelling shall be used in a manner inconsistent with its design or construction.

(D) *Smoke detectors.* No smoke detector installed in a rental dwelling unit shall be allowed to remain disabled or non-functional. The tenant of a rental dwelling unit shall notify the owner or manager within 24 hours of discovering that a detector is disabled or not functioning. The owner or manager shall take immediate action to render the smoke detector operational or replace it.

(E) *Carbon monoxide alarms.* Each rental dwelling unit shall have an approved and operational carbon monoxide alarm installed with ten feet of each room used for sleeping purposes as required by M.S. §§ 299F.50 and 299F.51, as they may be amended from time to time, unless an exception listed in M.S. § 299F.51, Subd. 5, as it may be amended from time to time, applies.

(F) *Refuse.* Each rental dwelling shall have an adequate number of refuse containers to hold the amount of refuse produced by the occupants of the rental dwelling or as required elsewhere by the city code. Containers shall be rodent- and animal-proof plastic, fiberglass or rust-resistant metal with a tight-fitting cover. Tenants shall properly dispose of their recyclables, rubbish, garbage and

other organic waste.

(G) *Unused or discarded items.* Discarded, unused and junk appliances, furniture, mattresses and other items shall be promptly removed from the premises, but in all cases such removal shall occur within seven days.

(H) *Storage of items.* Large amounts of combustible items and materials shall not be stored in the attic or basement of the rental dwelling. Storage shall be maintained two feet or more below ceilings and floor joists. Combustible materials and items shall not be stored within one foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three-foot wide aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other equipment serving the rental dwelling.

(I) *Fuel storage.* LP tanks, gasoline tanks and kerosene tanks shall only be stored outdoors.

(J) *Fueled equipment.* Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment and portable cooking equipment shall only be stored outdoors or in the garage of a rental dwelling.

(K) *Barbecues and open flames.* No person shall kindle, maintain or cause any fire or open flame on any balcony above ground level, on any roof or on any ground floor patio within 15 feet of any rental dwelling unit. Further, no person shall store or use any fuel, barbecue, torch or similar heating or lighting chemicals or device in such locations.

(L) *Sidewalks, walkways, stairs, driveways and the like.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on a premises shall be kept in a proper state of repair and maintained free from hazardous conditions.

(M) *Defacement of property.* If a rental dwelling is defaced by graffiti, the graffiti shall promptly be removed.

(Ord. 83C, passed 2-16-2011) Penalty, see § 151.99

## **§ 151.29 RESPONSIBILITIES.**

Owners are liable for violations of this subchapter even though an obligation is also imposed on a manager or tenant and even if an owner has, by agreement, imposed on the manager or tenant the duty of complying with this subchapter or any part hereof.

(Ord. 83C, passed 2-16-2011)

## **§ 151.30 ENFORCEMENT.**

(A) *Authority.* The Code Official shall enforce or cause the enforcement of this subchapter. The Code Official shall have the power to render interpretations of this subchapter in conformity with the intent and purpose of this subchapter.

(B) *Compliance inspections.* When the Code Official or a Health Officer has reasonable cause to believe that a condition exists in regard to a rental dwelling or the premises that violates this subchapter including, but not limited to, a tenant complaint made in good faith, the Code Official or Health Officer may enter the rental dwelling, in accordance with § 10.20 to inspect, re-inspect, or otherwise perform the duties imposed by this subchapter. No such entry shall be made, however, unless:

- (1) The owner, manager or tenant permits entry;
- (2) The Code Official or Health Officer secures an administrative warrant from a court with jurisdiction; or
- (3) An emergency exists.

(C) *Compliance order.* If the Code Official or Health Officer finds that any violation of this subchapter has occurred, the Code Official or Health Officer may immediately seek to enforce the violation. In the alternative, the Code Official or Health Officer may prepare a compliance order listing all violations and the date or dates when such violations must be corrected. If a compliance order is issued, the owner, manager or tenant shall correct all violations, or cause them to be corrected, within the time limit set forth by the Code Official or Health Officer. Any violation timely corrected in compliance with such an order shall be deemed remedied by the city and shall not form the basis for a rental license suspension or revocation. Extensions of time to correct may be granted by the Code Official or Health Officer. A request for extension of time shall be made and delivered to the Code Official or Health Officer prior to the expiration date of the applicable correction period. Extensions may be granted by the Code Official or Health Officer upon due evidence shown that the owner, manager or tenant, as applicable, is using all reasonable means to timely correct the violation.

(D) *Notice to vacate.* The Code Official may post any rental dwelling unit as being in violation of this subchapter and prevent further occupancy by a tenant if a rental dwelling unit is determined, in the opinion of the Code Official and as defined in this subchapter, a substandard dwelling unit. At the time of posting, notice shall be sent to the owner via U.S. mail. Existing tenants shall have 45 days to vacate a posted rental dwelling unit if they are in occupancy at the time of posting, except that occupants shall immediately vacate a posted rental dwelling unit if such occupancy will cause imminent danger to the health or safety of the tenants. No person, other than the Code Official shall remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or rental dwelling which has been posted to prevent occupancy, except as set forth herein.

(Ord. 83C, passed 2-16-2011) Penalty, see § 151.99

### **§ 151.31 APPEAL.**

(A) *Right to appeal.* Any owner, manager or tenant may appeal from any notice and order or any action of the Code Official or Health Officer under this subchapter by filing an appeal to the City Administrator/Clerk/Treasurer. A written appeal to the City Administrator/Clerk/Treasurer shall consist of a brief statement in ordinary and concise language regarding the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

(B) *Time allotted for appeal.* The appeal shall be filed within 14 days or within the time of correction as allowed by the Code Official, whichever is shorter, from the date of the service of such order or action of the Code Official.

(C) *Notice of hearing.* Notice of a hearing will be served by first class mail to the appealing party no less than 20 days in advance of the scheduled hearing, unless a shorter period of time is agreed upon. Service shall be deemed complete upon depositing the notice of hearing in the U.S. mail, properly addressed to the last known address of the person requesting the hearing.

(D) *Hearing procedures.* The hearing will be in front of the City Council. At the hearing, the party appealing shall have the opportunity to present testimony and question any witnesses, but the strict rules of evidence shall not apply. The City Council shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

(E) *Authority on appeal.* The City Council has the authority to determine that a violation did or did not occur, to dismiss a citation, to impose the scheduled fine or to reduce, stay or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions.

(F) *Decisions on appeal.* The City Council shall issue a decision in writing to the appealing party within ten days of the hearing. Any fines or penalties imposed must be paid no later than 30 days of the date of the order. The decision of the City Council is final and may only be appealed to the state's Court of Appeals by petitioning for a writ of certiorari pursuant to M.S. § 606.01, as it may be amended from time to time.

(Ord. 83C, passed 2-16-2011)

### **§ 151.99 PENALTY.**

(A) A person who violates the provisions of §§ 151.01 through 151.12 of this chapter may be charged with a misdemeanor or be subject to the issuance of an administrative citation or both. Each day that a violation continues shall be deemed a separate offense. The Code Official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until the code violations are corrected.

(B) A violation of any provision of §§ 151.25 through 151.31 of this chapter is a misdemeanor. Each day the violation continues is a separate violation. In the alternative, the city shall impose the following administrative penalties upon the owner(s): \$50 fine, plus an additional charge of \$5 per day commencing on the day the alleged violation or violations occur. If, however, the owner has been given a specified correction period by the Code Official, the fine shall be waived if the violation is confirmed corrected by the Code Official before the expiration of such period.

(Ord. 82B, passed 2-16-2011; Ord. 83C, passed 2-16-2011)