

RENTAL HOUSING CODE

§ 150.10 RENTAL HOUSING MAINTENANCE AND OCCUPANCY.

(A) *Legislative finding.* It is hereby found that there exist and may in the future exist, within the city, residential rental premises, rooming units or parts thereof, and renter-occupied mobile homes which, by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of persons and families, safety and general welfare. To correct and prevent the existence of such adverse conditions, to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, preserve property values and prevent blight, it is further found that the establishment and enforcement of minimum housing standards are required.

(B) *Purpose.* It is hereby declared that the purpose of this section is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly-owned rental units for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all rental housing units, as defined herein, now in existence or hereafter constructed. It is hereby further declared that the purpose of this section is to ensure that the quality of rental housing units is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities, for light, ventilation, the thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provision for the administration and enforcement thereof.

(C) *Scope.* The provisions of this section shall apply uniformly to the construction, maintenance, use and occupancy of all rental residential units and structures and to all renter-occupied mobile homes, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all rental residential units and structures, inclusive of rental units in mixed-use structures, and to all renter-occupied mobile homes within the jurisdiction of the city, irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitate. However, the provisions of this section shall not apply to any county, state, or federally licensed facilities/units.

(D) *Schedule of fees and fines.* The City Council shall adopt a schedule of fees and administrative fines to defray the cost of inspection, enforcement, and administration of the provisions of this section.

(E) Definitions. The following definitions shall apply in the interpretation and enforcement of this section. Whenever the words "dwelling," "dwelling unit," "rooming units," "premises," or "structure" are used in this section, said words shall be construed as though followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

ACCESSORY STRUCTURE. Any subordinate structure detached from but located on the same lot, as the term "lot" is defined in § 155.010, as the primary structure, the use of which is incidental and accessory to that of the primary structure.

APPROPRIATE AUTHORITY. Any City employee or contract employee charged by the City Administrator with enactment of this section.

ATTIC. Any story situated wholly or partly within the roof, and so designated, arranged or built as to be used for business, storage or habitation.

DORMITORY. A building or a group of rooms in a building used for institutional living and sleeping purposes by four or more persons.

DWELLING. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing, as defined in this division (D), shall not be regarded as a dwelling.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

HABITABLE ROOM. A room occupied by one or more persons used or intended for living, cooking, eating or sleeping purposes, but does not include bathrooms, closets, water closet compartments, laundries, serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

HABITABLE SPACE. The square feet of floor space in a dwelling unit multiplied by the number of stories, excluding the basement unless the basement is specifically designed for occupancy with egress facilities.

HEATING DEVICE. All furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, domestic water heaters and other similar devices.

KITCHEN. Any room used for the storage of foods, preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

KITCHENETTE. A small kitchen or an alcove containing cooking facilities.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

PERMISSIBLE OCCUPANCY. The maximum number of individuals permitted to reside in a dwelling, dwelling unit, rooming unit or dormitory.

PREMISES. A tract of land including its building(s).

PRIVACY. The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted individuals.

RENTAL UNIT. Any dwelling, dwelling unit, rooming house or rooming unit which is leased by the owner or the owner's licensee to another party and any renter-occupied mobile home.

ROOMING HOUSE. Any dwelling other than a hotel or motel or that part of any dwelling, containing one or more rooming units, and/or one or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

SMOKE OR FIRE DETECTION DEVICE. A device which gives an alarm when it detects smoke or other emissions from a fire and meets the requirements of any standards established by laws, rules or regulations established by or adopted by the State of Minnesota.

SPACE HEATER. A self-contained heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.

STRUCTURE. A building constructed with the intent that the primary use be residential.

SUPPLIED. Paid for, furnished by, provided by or under the control of the owner, operator or agent.

TEMPORARY HOUSING. Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not permanently attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.

(F) *Conflict of ordinances; effect of partial invalidity.*

(1) In any case where a provision of this section is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of this city existing on the effective date of this section, or of any state or federal statute, rule or regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this section is found to be in conflict with a provision of any other ordinance or code of this city existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this section shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this section.

(2) If any division, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section, which shall remain in full force and effect; and to this end, the provisions of this section are hereby declared to be severable.

(G) *Responsibilities of owners and occupants.*

(1) No owner or other person shall occupy a dwelling or dwelling unit or let to another person any rental unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city.

(2) Every owner of a rental unit containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the rental unit and premises thereof.

(3) Every occupant of a rental unit shall maintain in a clean and sanitary condition that part or those parts of the rental unit and premises thereof that the occupant occupies and controls.

(4) Every occupant of a rental unit shall store and dispose of all the occupant's rubbish in a clean, sanitary and safe manner.

(5) Every occupant of a rental unit shall store and dispose of all the occupant's garbage, refuse and any other organic waste which might provide food for insects and/or rodents in accordance with the provisions of Chapter 52.

(6) The owner shall ensure that the city's municipal waste contractor provides solid waste containers to meet the needs of the occupants of the dwelling.

(7) Every owner of rental units containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single- or two-family dwellings, it may be the responsibility of each occupant to furnish such facilities or refuse containers however, the owner shall retain the obligation to ensure the occupant fulfills the requirement of such items.

(8) The owner of a rental unit shall be responsible for providing and hanging all screens, storm windows, and storm doors whenever the same are required under the provisions of this section or any rule or regulation adopted pursuant thereto.

(9) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, vermin, and rats on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. If the occupant does not accept such responsibility and fails to comply, the owner shall either cause compliance by the occupant or accept responsibility for the extermination of insects, vermin, and rats on the premises. Regardless of any agreement, written or oral, the owner has with the occupant, the final responsibility remains with the owner. Termite control shall always be the responsibility of the owner. Notwithstanding the foregoing provisions of this division (G)(9), whenever infestation is

caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(10) No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit or on the premises on which the dwelling or dwelling unit is located.

(11) No owner of a dwelling containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rat, insect or vermin harborage in or about the shared or public areas of a dwelling or its premises.

(12) No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any materials which may serve as food for rats or vermin in a site accessible to rats or vermin or food for insects in a site accessible to insects.

(13) Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. The owner shall ensure that the occupant fulfills this responsibility.

(14) In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68°F shall be maintained in all habitable rooms, bathroom and water closet compartments.

(15) Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances as determined by the appropriate authority. Every occupant of a dwelling or dwelling unit shall maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances as determined by the appropriate authority.

(16) No owner or occupant shall apply a lead-based paint to any surface in any dwelling, dwelling unit, rooming house and/or rooming unit.

(H) *Minimum standards for basic equipment and facilities.* No person shall occupy or let to another person for occupancy any rental unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(1) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area and which shall be equipped with the following:

(a) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system approved by the appropriate authority.

(b) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not, under ordinary summer conditions, require refrigeration for safe-keeping; and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

(c) A stove/oven, or similar appliance, in working order and with all controls, designed for cooking food shall be provided by the owner. Microwaves shall not be considered a suitable appliance to satisfy this section. A refrigerator or similar device, for the safe storage of food at temperatures less than 45°F but more than 32°F under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation must also be provided. Sufficient space and adequate connections for the safe and efficient installation and operation of such devices must be provided.

(2) Within every dwelling and dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be properly connected to a sewer system which is approved by the appropriate authority.

(3) Within every dwelling and dwelling unit there shall be a 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 said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the appropriate authority. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

(4) Within every dwelling and dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. 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 a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

(5) Every dwelling and dwelling unit shall have at least two means of egress (two doors or one door and one egress window) leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress leading to safe and open space at ground level, or as required by the laws of Minnesota. Bedrooms located below the fourth floor shall be provided with an exterior door or window of such dimensions as will permit the door or

window to be used as a means of emergency egress. All parts of a means of egress shall be maintained in good operating condition.

(6) Structurally sound handrails shall be provided on any steps containing four risers or more. Porches, patios, and/or balconies located more than 30 inches higher than the adjacent area shall have structurally sound protective guard or handrails.

(7) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(8) No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors leading directly into the dwelling or dwelling unit are equipped with functioning locking devices.

(I) *Minimum standards for light and ventilation.*

(1) No person shall let to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the requirements of this section:

(a) Every habitable room shall have at least one window or skylight facing outdoors, provided that if connected to a room or area used seasonally (e.g. porch) adequate daylight must be possible through this interconnection.

(b) Every habitable room shall have at least one window or skylight facing directly outdoors which can be opened easily or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this interconnection.

(2) When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures containing dwelling units or rooming units, such facilities shall be maintained and operated in a continuous manner and in accordance with the designed capacity of the installed equipment.

(3) Every dwelling and dwelling unit shall be connected to a public electric utility and all public and common areas shall be supplied with electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the city and state. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

(a) Every dwelling unit shall be supplied with at least one 60-ampere service and such service shall not be shared with another dwelling unit, unless such service is accessible to all occupants of the structure.

(b) Every habitable room shall contain at least two separate wall-type duplex electric convenience outlets or one such duplex convenience outlet and one permanently installed wall or ceiling type electric light fixture. No duplex outlet shall serve more than two fixtures or appliances.

(c) Temporary wiring or extension cords shall not be used as permanent wiring.

(d) All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.

(e) Provided the dwelling or dwelling unit is not unsafe, a dwelling or dwelling unit which does not meet the minimum requirements as set forth in this section on the date this section is adopted shall be allowed to continue in noncompliance until the dwelling unit has to be repaired or remodeled.

(4) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide in all parts thereof at least ten footcandles of light at the tread of floor level. Every public hall and stairway in structures containing not more than two 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.

(J) *Minimum thermal standards.* No person shall occupy or let to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling shall have heating equipment and appurtenances which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F.

(2) No owner or occupant shall install, operate or use a heating device, including hot water heating units, which employs the combustion of carbonaceous fuel, which is not vented to the outside of the structure in an approved manner, and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed and operated in such a manner as to minimize accidental burns.

(K) *Safe and sanitary maintenance of parts of dwellings and dwelling units.* No person shall occupy or let to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads and head room of at least six feet, eight inches as measured from the nose of the tread to the ceiling or other upper obstruction. An inside or outside stair which does not have uniform risers and uniform treads and head room as specified on the effective date of this section shall be allowed to continue to exist until such time as the stairs are repaired or replaced.

(2) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight and damp-free and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good

repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by a protective covering or treatment. Walls shall be capable of affording privacy for the occupants. Repairs may be required when conditions requiring the repair pose a threat to the health or safety of the occupants, or when the structural/physical integrity of the dwelling is adversely affected.

(3) Every premises shall be graded, drained, and maintained in a clean, sanitary and safe condition.

(4) Unless other provisions are made, existing gutters, leaders and downspouts shall be maintained in good working condition as to provide proper drainage of stormwater.

(5) Every window, exterior door and hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other insects.

(6) Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained in a rat-free and rat-proof condition.

(a) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level, and all exterior doorways which might provide an entry for rats shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the structure.

(b) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.

(c) Interior floors of basements, cellars and other areas in contact with the soil shall be rat-proofed in a manner which will effectively prevent entry of rats.

(d) Except for fire wood, no stacking or piling of material shall take place against the exterior walls of the structure.

(7) Accessory structures present or provided by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or preservatives. Repairs may be required when conditions requiring the repair adversely affect the physical/structural integrity of the accessory structure.

(8) Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition and shall be free of leaks.

(9) Every water closet compartment, bathroom and kitchen subfloor surface shall be constructed and maintained, which is reasonably impervious to water and which will permit such floor to be easily kept in a clean and sanitary condition.

(10) No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or

discontinued for any occupied dwelling or dwelling unit let or occupied by such person except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(11) All construction and materials, ways and means of egress and installation and use of equipment shall conform with the appropriate statutes, ordinances and regulations dealing with fire protection of this city and the state.

(L) *Maximum density, minimum space, use and location requirements.* No person shall occupy or let to be occupied any rental unit, for the purpose of living therein, unless there is compliance with the requirements of this section:

(1) The maximum occupancy of any dwelling unit shall not exceed the following requirement: For the first occupant there shall be at least 150 square feet of floor space and there shall be at least 100 square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.

(2) The ceiling height of any habitable room shall be at least seven feet; except that in any habitable room under a sloping ceiling at least 1/2 of the floor area shall have a ceiling height of at least seven feet, and the floor area of that part of such a room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy. Minimum height requirements shall not be applicable to habitable rooms that are in existence at the time of adoption of this section.

(3) Every dwelling unit shall have closet/storage space for the personal effects of each permissible occupant.

(M) *Rooming house, rooming units, dormitories, dormitory rooms.*

(1) No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of this section. No owner shall let to another person any rooming unit or dormitory room unless it is clean and sanitary, and complies with all applicable requirements of the city.

(2) No person shall operate a rooming house unless the person holds a valid rental registration license issued by the city in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the city upon compliance by the operator with the applicable provisions of this section and of any rules and regulations adopted pursuant thereto. The license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a permit shall give notice in writing to the city within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every license shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(3) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the city and in good working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the facilities, provided that:

(a) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets and provided that there shall be at least one water closet.

(b) All such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway. Such facilities shall not be located more than one floor above or below the rooming unit or units served.

(c) Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.

(4) The following provisions shall apply in all rooming houses and dormitories:

(a) Cooking in dormitory rooms and rooming units is prohibited.

(b) Access doors to rooming units, dormitory rooms, shall have operating locks to ensure privacy.

(5) Every rooming unit shall comply with all the requirements of this section pertaining to a habitable room. Every rooming unit occupied by one person shall contain at least 110 square feet of floor space and every rooming unit occupied by more than one person shall contain at least 90 square feet for each occupant thereof. Every rooming unit shall contain closet/storage space for each occupant.

(6) Every rooming unit shall have immediate access to two or more approved means of egress, appropriately marked, leading to safe and open space at ground level or as required by the appropriate statutes, ordinances, and regulations of this city and the state.

(7) Access to or egress from each rooming unit shall be provided without passing through any other rooming unit

(N) *Collection and dissemination of information.* The appropriate authority is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing, and concerning the requirements of this section and applicable rules and regulations issued pursuant thereto.

(O) *Plans of inspection by the appropriate authority.*

(1) The appropriate authority is hereby authorized and directed to develop and adopt plans for the inspection of rental units subject to the provisions of this section, including:

(A) A plan for the systematic inspection of rental housing units contained within this city as follows:

1. Every three years:

A. All Rental units contained within this city shall be inspected a minimum of once every three (3) years.

2. Annually:

A. Rental units found to be in violation of the provisions of this section upon inspection, or units which complaints that are deemed to be valid, shall be inspected annually. If the unit receives a good inspection upon the next two regularly scheduled inspections, and has not been subject to any complaint-based inspections within that time period, the unit shall then be placed back on the three-year inspection cycle.

3. Exception for new construction:

Newly-constructed single and multiple family dwelling units shall not be subject to inspections for a period of five (5) years from the date a certificate of occupancy is issued by the authorized Building Official.

(P) *Inspections; powers and duties of the appropriate authority.*

(1) The appropriate authority shall enforce the provisions of this section and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection authorized by division (O); or in response to a complaint that an alleged violation of the provisions of this section or of applicable rules or regulations pursuant thereto may exist, or when the appropriate authority has valid reason to believe that a violation of this section or any rules and regulations pursuant thereto has been or is being committed. In the event of a tenant complaint, the appropriate authority shall attempt to contact the manager or owner to verify and clarify the complaint prior to acting on the complaint.

(2) The appropriate authority is hereby authorized to enter and inspect, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, all rental units subject to the provisions of this section for the purpose of determining whether there is compliance with its provisions.

(3) The appropriate authority is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitories and dormitory rooms subject to this section, for the purpose of determining whether there is compliance with its provisions.

(4) The appropriate authority and the owner, occupant or other person in charge of a rental unit subject to this section may agree to an inspection by appointment at a time other than the hours provided in division (P)(2) of this section.

(5) The owner, occupant or other person in charge of a rental unit, upon presentation of proper identification by the appropriate authority of a copy of any

relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the appropriate authority entry and free access to every part of the rental unit or to the premises surrounding any rental unit.

(6) If any owner, occupant, or other person in charge of a rental unit subject to licensing under division (Q) fails or refuses to permit free access and entry to the structure or premises under his or her control or any part thereof with respect to which an inspection authorized by this section is sought to be made, the appropriate authority may impose a fine pursuant to Section D of this chapter. If the owner, occupant, or other person in charge of a rental unit continues to refuse the appropriate authority entry to inspect, the appropriate authority shall impose a second fine pursuant to Section D and seek the necessary legal authority, from a court of competent jurisdiction, to conduct the inspection.

(Q) Licensing of the operation of all residential rental units and structures inclusive of rental units in mixed-use structures and renter-occupied mobile homes.

(1) No person shall operate a rental unit unless he or she holds a current, valid operating license issued by the appropriate authority in the person's name for the specific named rental unit. Failure to comply with this requirement shall result in a fine as set forth in Section D and may result in the filing of a criminal complaint.

(2) Every operating license shall be issued for a period of time in accordance with the plan for the systematic inspection of rental housing units to be developed by the appropriate authority pursuant to division (O) of this section.

(3) The appropriate authority is hereby authorized upon application therefor to issue new operating licenses, and renewals thereof, in the names of applicant owners or operators of rental housing units. All rental housing units must meet the applicable standards set forth in this section.

(4) No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefor on an application form provided by the appropriate authority. The appropriate authority shall develop such forms and make them available to the public.

(5) No operating license shall be issued or renewed unless the applicant owner or operator agrees in his or her application to such inspections pursuant to divisions (O)(1) and (P)(1) as the appropriate authority may require to determine whether the rental housing unit in connection with which such license is sought is in compliance with the applicable provisions of this section and with applicable rules and regulations pursuant thereto.

In the event that a rental unit, which previously held a valid operating license, is found to not be in compliance with the applicable provisions of this sections, and the appropriate authority has exhausted all means of enforcement as set forth in this section, the appropriate authority shall not issue a renewal of the license and shall close the unit. Notice of unit closure shall be posted on the front door of the unit or in a conspicuous place on the premises.

(6) No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee pursuant to the schedule of fees included in the inspection plan developed by the appropriate authority.

(7) No operating license shall be issued or renewed for an applicant, unless such applicant resides within 75 miles of the City of Worthington or designates in writing to the appropriate authority the name of applicant's agent for the receipt of service of notice of violation of the provisions of this section and for service of process pursuant to this section. The applicant may designate any person residing within the 75 mile radius as required above.

(8) No operating license shall be renewed unless an application therefor has been made within 60 days prior to the expiration of the present operating license.

(9) No operating license for a rental unit shall be issued or renewed if the real estate taxes assessed against the rental unit are not current.

(10) Any license for a particular property shall be transferable to another person, provided that the person holding the operating license give notice in writing to the appropriate authority within 15 working days after having transferred or otherwise disposed of the legal control of the licensed rental housing unit. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rental housing unit.

(R) *Notice of violation.*

(1) Whenever the appropriate authority determines that any dwelling, dwelling unit, rental unit, rooming unit or the premises surrounding any of these fails to meet the requirements set forth in this section or in applicable rules and regulations issued pursuant thereto, the appropriate authority, in accordance with existing legislation, shall issue a notice setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:

(a) Be in writing;

(b) Set forth the alleged violations of this section or of applicable rules and regulations issued pursuant thereto;

(c) Describe the dwelling, dwelling unit, rental unit, or rooming unit where the violations are alleged to exist or to have been committed. Such written notice shall specify an appropriate or acceptable method of correction;

(d) Specify a specific date for the correction of any violation alleged;

(e) State that unless the violations cited are corrected by the date set, a fine pursuant to section D shall be issued and the operating license for the specific unit in violation may be suspended;

(f) Be served upon the owner, agent of the owner, occupant, or operator, of the dwelling, dwelling unit, rental unit, or rooming unit personally or by registered mail,

return receipt requested, addressed to the owner, occupant, operator or owner's agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation once each week for a period of three successive weeks; or

(g) Be served upon a resident agent for the receipt of such services of notices designated pursuant to division (Q)(7).

(2) At the end of the period of time allowed for the correction of any violation alleged, the appropriate authority shall reinspect the dwelling, dwelling unit, rental unit, or rooming unit described in the notice.

(3) If upon reinspection the violations are determined by the appropriate authority not to have been corrected, the appropriate authority shall issue a fine pursuant to section D and schedule a reinspection within a date specified by the appropriate authority. A fee shall be charged pursuant to D for this second reinspection. If the violations are determined to not have been corrected the appropriate authority shall initiate legal proceedings for the immediate correction of the alleged violations or shall order the dwelling, dwelling unit, rental unit, or rooming unit vacated within 30 days or both. In addition, the operating license of the owner shall be suspended.

(S) Repairs and other corrective action; designation of unfit units and/or structures; demolition.

(1) Repairs and other corrective action.

(a) Whenever an owner, operator, or agent of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room fails, neglects or refuses to make such repairs or other corrective action called for by the order or notice of violation issued pursuant to division (R), the appropriate authority may undertake such repairs or action, when in the judgment of such authority a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50% of the fair market of the structure to be repaired.

(b) Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator, or upon the designated agent for service pursuant to division (Q)(7).

(c) Every owner, operator, or agent of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room who has received notice of the intention of the approved authority to make repairs or take other corrective action shall give entry and free access to the agent of the appropriate authority for the purpose of making such repairs. Any owner, operator, or agent of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty pursuant to the section D In addition, the owner, operator or agent may be subject to criminal penalties for which provision is made in § [10.99](#).

(d) When repairs are made or other corrective action taken at the discretion of the appropriate authority, the cost of such repairs and corrective action shall constitute a debt in favor of the city against the owner of the repaired structure. In the event the owner fails, neglects or refuses to pay the city the amount of this debt, it shall be recoverable in a civil action against the owner or his or her successor, brought in a court of competent jurisdiction by the city which shall possess all rights of a private creditor.

(2) Designation of unfit dwellings, dwelling units, rooming houses, rooming units, dormitories and dormitory rooms.

(a) Any dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the appropriate authority, such defect creates a hazard to the health, safety or welfare of occupants or of the public:

1. Such dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin-infested and/or contains levels of hazardous material which could be harmful to health;

2. The dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room lacks illumination, ventilation and/or required sanitation facilities to the extent that it is violation of the provisions of this section.

(b) Whenever any dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room has been designated as unfit for human habitation, the appropriate authority shall placard the dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room, indicating that it is unfit for human habitation, and, if occupied, shall order such dwelling, dwelling unit, rental unit, or rooming unit vacated within a reasonable time.

(c) Whenever any dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room has been placarded and vacated, the appropriate authority shall order services and utilities to be turned off or disconnected and all utility meters to be removed.

(d) No dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the appropriate authority and the placard removed by the appropriate authority.

(e) The appropriate authority shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room is deemed by the appropriate authority as a safe, sanitary and fit place for human habitation.

(f) No person shall deface or remove the placard from any dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation and has been placarded as such, except as provided in division (S)(2)(b) above.

(g) Any person affected by any decision of the appropriate authority or by any designation or placarding of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room as unfit for human habitation shall be granted a hearing on the matter before the appropriate authority under the procedure set forth in division (T) of this section.

(3) Demolition of dwellings, dwelling units, rental unit, rooming houses, rooming units, dormitories or dormitory rooms designated as unfit for human habitation. Any demolition necessary as a result of a designation that the rental unit is unfit for human habitation must be done in accordance with the applicable Minnesota statutes, rules and regulations.

(T) *Appeals.* There is hereby created a two-tiered appeals process. All appeals decisions and findings shall be made part of the public record:

(1) Step 1. Any person aggrieved by a notice of the appropriate authority issued in connection with any alleged violation of this section or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the appropriate authority for an administrative conference with the duly appointed representative of the appropriate authority for reconsideration of such notice or order, provided such application is made within ten days after the date the notice or order was issued. Upon conclusion of an administrative conference for reconsideration of notice or order, the appropriate authority shall prepare a summary of the conference and shall state the decision reached. Such summary and statement shall become part of the public record.

(2) Step 2. If the appeal is not settled in Step 1 of the process, any person aggrieved by a notice of the appropriate authority issued in connection with any alleged violation of this section, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may appeal to the Legislative Hearing Officer for a reconsideration of such notice or order provided such application is made within ten days after the date of the decision reached in Step 1. The appeal shall then proceed as provided in Chapter 31.

(U) *Emergencies.*

(1) Whenever, in the judgment of the appropriate authority, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the appropriate authority may act to correct or abate the emergency, including removal of the tenants from the unit.

(2) The owner, occupant, operator or agent shall be afforded the opportunity to

appeal, as soon as practicable, any order issued as per this section by following the procedure detailed in division (T), above. Such appeal shall in no case stay the abatement or correction of such emergency.

(V) *Penalty.* Any owner, occupant, operator, or agent of a dwelling, dwelling unit, or rooming unit who has received an order or notice of an alleged violation of this section shall be subject to a penalty established in accordance with the division (D). Said penalty shall be enforced beginning on the day that the alleged violation continues after expiration of the specified reasonable consideration period.

(W) *Criminal penalties.* Any owner, occupant, operator, or agent of a dwelling, dwelling unit, or rooming unit who rents a dwelling, dwelling unit, or rooming unit without registering the dwelling, dwelling unit, or rooming unit as a rental unit or without a license to lease the dwelling, dwelling unit, or rooming unit may be charged with a misdemeanor. See end of section.

(X) *Violation a public nuisance.* If the violation constitutes a nuisance as such term is defined by Minnesota Statute or Chapter 92, the Enforcing Officer may seek to abate the nuisance in accordance with the provisions of Chapter 92.

(Y) *Private cause of action.* Any person who has been damaged by a violation of any provision of this chapter shall have a private civil cause of action against the violator which may be brought in State District Court in the manner provided by law. Any action brought under this section shall be tried to the Court. The Court shall hear the evidence, and if the case is proven by a preponderance of the evidence, the Court shall issue an order for appropriate relief, which may include an award of monetary damages, injunctive relief or other remedies which the Court believes will effectuate the purpose of this chapter. If the Court finds that the person bringing the action prevails, the Court shall award the person his/her costs, disbursements and a reasonable attorney's fee for pursuing the action.