

Introduced by Council Member _____.

Seconded by Council Member _____.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROSEAU, MINNESOTA ADDING RENTAL DWELLING REGULATIONS

BE IT ORDAINED BY THE CITY OF ROSEAU, as follows:

Section 1. Roseau City Code, Chapter _____, entitled “Rental Dwelling” is adopted and added to the Roseau City Code, as follows:

RENTAL DWELLING

§ 153.01 PURPOSE.

It is the purpose of this ordinance to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City of Roseau and to ensure 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 come an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible to take such reasonable steps as necessary to ensure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure, and sanitary; free from noise, nuisance or annoyances; and free from unreasonable fears about safety of persons and security of property.

§ 153.02 APPLICABILITY.

This ordinance applies to all rental dwellings in the city, including any accessory structures on the premises upon which the rental dwelling is located, such as garages and storage buildings. This ordinance does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, licensed group homes, nursing homes, or condominium units as defined and governed by Minnesota Statutes, Chapters 515, 515A and 515B.

§ 153.03 ADOPTION OF PROPERTY MAINTENANCE CODE.

The International Property Maintenance Code, current edition, as published by the International Code Council, is adopted by reference in its entirety, except as modified or amended in this ordinance. Nothing in this ordinance or the International Property Maintenance Code shall be construed to cancel, modify, or set aside any other provision of this code of ordinances.

§ 153.04 ENFORCEMENT OFFICIAL.

The City Administrator or his or her designee shall be the enforcement official of this ordinance and is authorized and directed to enforce all provisions of this ordinance, subject to review by the City Council.

§ 153.05 DEFINITIONS.

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

ACCESSORY STRUCTURE. A structure subordinate to a principal dwelling not authorized to be used for living or sleeping by human occupants.

APARTMENT BUILDING. A structure designed to accommodate three or more dwelling units.

COMPOSTING. Accumulation of yard waste to be decomposed.

DWELLING, DWELLING UNIT, PREMISES, or STRUCTURE. Deemed to be followed by the words “or any part thereof.”

DWELLING UNIT. A single residential accommodation intended for use as a domicile for one family. Where a private garage is structurally attached, it will be considered as part of the building in which the dwelling unit is located.

DWELLING. Building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single family dwellings, multi-family dwellings, apartment buildings and rooming units, but excluding hotels and motels.

ENFORCEMENT OFFICIAL. The City Administrator and agents authorized by the City Administrator to administer and enforce this ordinance.

FAMILY or HOUSEHOLD. One person or two or more persons each related to the others by blood, marriage, adoption, or foster care, or a group of not more than the owner or a residence plus three persons not so related occupying the residence and maintaining a common household and using common cooking and kitchen facilities.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of food.

HABITABLE BUILDING. Any building or part thereof that meets minimum standards for a dwelling.

HABITABLE ROOM. Room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms toilet rooms, laundries, furnace rooms, unfinished basements, (those without required ventilation, required electric outlets and required exits), pantries utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

HEATED WATER. Water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

KITCHEN. A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

OCCUPANT. Any person (including owner or operator) living, sleeping, cooking and eating in a dwelling unit or living and sleeping in a rooming unit.

OPERATOR. The owner or agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who owns a dwelling. Any person representing an owner must comply with the provisions of this ordinance to the same extent as the owner.

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

PERSON. An individual, firm, partnership, association, corporation or joint venture or organization of any kind.

PREMISES. A parcel of land which includes a dwelling.

RECYCLABLES. Materials which may be recycled or reused through recycling processes, including metal beverage containers, glass, newsprint, plastic bottles with necks, corrugated cardboard, magazines, catalogs, phone books and any other materials designated as recyclables by City Council resolution.

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

RENTAL UNIT. A dwelling or dwelling unit let for rent or lease in exchange for monetary payment or which is occupied by someone other than the owner for a period longer than six months.

REPAIR. To restore to a sound and acceptable state of operation, serviceability or appearance.

RODENT HARBORAGE. Any place where rodents can live, nest or seek shelter.

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 and eating purposes.

SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

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

TOILET. A toilet, with a bowl and trap made in 1 piece, which is connected to the city water and sewer systems or other approved water supply.

§ 153.06 RESPONSIBILITIES OF OWNER AND LANDLORD.

(A) *Owner responsible.* Every owner of a rental dwelling is responsible for violations of duties and obligations imposed by this ordinance even if the duty or obligation is also imposed on the occupant(s) of the rental dwelling, or even if the owner, by agreement, has imposed on the occupant(s) the duty of making sure that the rental dwelling complies with the requirements of this ordinance, applicable provisions of the city code, and the International Property Maintenance Code.

(B) *Cleanliness.* Every owner of a rental dwelling is responsible for keeping that part of the premises which he or she occupies or controls in a clean, sanitary and safe condition in conformance with this ordinance, applicable provisions of the city code, and the International Property Maintenance Code, including any shared or common areas in a multiple family dwelling.

(C) *Obtain license.* The owner or resident agent must obtain a yearly license and pay all license fees as required by this ordinance before the rental dwelling may be rented.

(D) *Drives, parking, sidewalks.* The owner of an apartment building must provide and maintain effective illumination in all exterior parking lots and walkways, parking areas and driveways. Unless agreed upon, the owner of a property adjacent to walkways must use due diligence to keep the walk safe for pedestrians. No such owner or occupant may allow snow, ice, dirt or rubbish to remain on the walk longer than 12 hours after it has been deposited.

(E) *Discontinuance of service or facilities.* No owner, operator, or occupant may cause any service, facility, equipment or utility required under this ordinance to be removed from, shut off or discontinued, for any occupied dwelling, except for temporary emergencies and temporary interruptions necessary for repairs or alterations.

§ 153.07 RESPONSIBILITIES OF OCCUPANT OR RENTER.

(A) *Access by owner.* Every occupant of a rental dwelling shall give the owner or resident agent access to his or her unit, and that part of the premises which he or she occupies or controls, at reasonable times for the purpose of inspections and maintenance, and making necessary repairs or alterations on the premises.

(B) *Cleanliness.* Every occupant of a rental dwelling is responsible for keeping his or her unit, and any part of the premises which he or she occupies of controls, in a clean, sanitary and safe condition in conformance with this ordinance, applicable provisions of the city code and the International Property Maintenance Code.

(C) *Disposal of garbage and recyclables.* Every occupant of a rental dwelling shall store and dispose of all his or her rubbish, garbage and waste in a clean, sanitary and safe manner. All rubbish, garbage, and waste must be collected by city sanitation services. The storage of refuse and recyclable collection containers may not be kept in the front yard setback without approved screening or fencing.

§ 153.08 LICENSE REQUIRED.

It is unlawful to operate a rental dwelling in the city without first having obtained a license from the city. An owner must obtain a license for each rental dwelling. If the rental dwelling contains two or more units, and has a common owner and a common property identification number, the owner may obtain a single license for the rental dwelling.

§ 153.09 LICENSE APPLICATION.

(A) The owner of a rental dwelling must submit an application for a license on forms and in the format provided by the city. The owner must give notice, in writing, to the city within 5 business days of any changes to the information contained in the license application. The application must include:

- (1) The owner's name, address, and telephone number, owning partners of a partnership, corporate officers if a corporation; or
- (2) The name and address of a person residing or having a business office and appointed by the owner as an agent for purposes of notices under this ordinance and for services of process upon the owner; or
- (3) The name and address of any managing operator or agent; or
- (4) The name and address of the contract for deed vendor if the rental dwelling is owned under a contract for deed; or
- (5) The legal address of the rental dwelling; and
- (6) The type and number of units within the rental dwelling; and
- (7) The height and the multiple dwelling in stories; and
- (8) The type of structure to be licensed (i.e. single-family, duplex, triplex); and

(9) The exterior finish of the building.

(B) *Issuance and term.* Upon approval by the City Council, the City Administrator will issue a license to the owner of the rental dwelling. A license is personal to the owner of a specified rental dwelling. No license may be transferred to a purchaser of a multiple dwelling or to any other person or entity. If a rental dwelling is sold, the purchaser may not own or operate the rental dwelling without first obtaining the license provided for in this ordinance. A license will be valid for one (1) year. If a license is issued during the year, the license will be prorated accordingly at the renewal time.

§ 153.10 LICENSE FEES.

The owner must pay an annual license fee, the amount of which will be determined by the City Council. The fee schedule shall be set by resolution by the City Council. The owner must submit the required fee along with the application for a new or renewal license. Applications for renewal license submitted after the license term expiration are subject to a penalty fee, which shall be determined from the time by the City Council.

§ 153.11 ISSUANCE OF LICENSE.

(A) *Preliminary inspection and investigation.* Prior to issuing a license, the Enforcement Official will inspect the rental dwelling to determine compliance with this ordinance, the city code and the International Property Maintenance Code. The Enforcement Official will review the application for completeness and determine whether all real estate taxes and municipal utilities are paid and current.

(B) *Compliance order.* If the rental dwelling is not in full compliance with this ordinance, the city will provide the owner or resident agent with a compliance order pursuant to § 150.14. If the owner corrects the items in the compliance order within the specified period of time, the city will issue a license to the owner.

(C) *Unsafe or dangerous conditions.* No owner or resident agent may operate a rental dwelling, regardless of the type of license issued, if the Enforcement Official determines that a condition exists in or on the rental dwelling or premises that is unsafe or poses an imminent danger to the health or safety of the tenants or the public. Any determination by the Enforcement Official is subject to suspension or revocation of the license, criminal prosecution and any civil remedies available to the city.

(D) *Posting of license.* The owner shall post a copy of the license in the rental dwelling in a conspicuous place. In multiple dwelling units requiring a single license, the license shall be posted in a common area of the building such as a corridor, hallway or lobby. The posted license shall be framed with clear glass or plastic.

(E) *Renewal of license.* An owner may continue to rent a dwelling after the expiration day of the license provided the owner has filed with the city on or before January 1st, the appropriate renewal license application and license fee. The issuance of a license under this ordinance shall be

considered a privilege and not an absolute right of the owner and shall not entitle the owner to an automatic renewal of the license. Allowing the owner to continue to rent while the renewal is being processed does not obligate the city to automatically renew the license.

(F) *Transfer of license.* Licenses are not transferable. Any change in the ownership of the rental dwelling requires a new license.

(G) *Register of occupancy.* The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the city at the time. Said register of occupancy shall contain, at a minimum, the following information:

- (1) Address(es) of the rental dwelling;
- (2) Number of bedrooms of each unit;
- (3) Number of units in each building; and
- (4) Number of adults and children (under 18) currently occupying each unit.

§ 153.12 INSPECTIONS.

(A) *Inspections.* The city will inspect all rental dwellings periodically to determine compliance with this ordinance, the city code and the International Property Maintenance Code. After each inspection, the city shall provide the owner or resident agent with a compliance order pursuant to this section. The owner or resident agent must correct the violations within the time period specified in the compliance order. If the violations are not corrected, the city may suspend or revoke the license under this section, unless it is the initial license period, in which case, the license is valid until the end of the owner's existing lease with the current tenant as noted in this section. The city may, however, immediately suspend or revoke a license if an unsafe or dangerous condition exists.

(B) *Occupant initiated inspections.* An occupant who believes that his or her rental dwelling is not in compliance with the provision of this ordinance, city code or the International Property Maintenance Code may provide written notice to the owner or resident agent of the rental dwelling specifying the alleged deficiency. If the owner or resident agent does not take action to correct the alleged problem the occupant may contact the city and request an inspection of the rental dwelling by the Enforcement Official upon showing proof that the owner or resident agent had been properly notified and has been given a reasonable time in which to correct deficiencies. The cost of the inspection shall be paid by the owner if the city's inspection reveals actual deficiencies as described by the occupant.

§ 153.13 CONDUCT ON LICENSED PREMISES; VIOLATIONS.

(A) *Owner responsible.* It shall be the responsibility of the owner or resident agent to see that persons occupying the rental dwelling conduct themselves in such a manner as not to cause the

premises to be disorderly. This section applies to all licenses. For purposes of this section, a rental dwelling is disorderly at which any of the following activities occur:

- (1) Violation of M.S. Chapter 609 Gambling, Prostitution and Disorderly Conduct;
- (2) Violation of M.S. Chapter 152 Controlled Substances;
- (3) Violation of M.S. Chapter 340A Sale & Consumption of Alcohol;
- (4) Violation of M.S. Chapter 624 Sale & Use of Weapons; or

(B) *First violation.* Upon determination by the Enforcement Official that a licensed premises was used in a disorderly manner, as described in division (A) of this section, the Enforcement Official must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

(D) *Second violation.* If another occurrence of disorderly use of the licensed premises occurs within 6 months of an incident for which a notice in division (B) of this section was given, the Enforcement Official must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the Enforcement Official within five (5) days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding six (6) months.

(E) *Third violation.*

(1) If another instance of disorderly use of the licensed premises occurs within 1 year after any 2 previous instances of disorderly use for which notices were given to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. Written notification will be issued by the Enforcement Official. Such written notice must specify all violations of this section, and must state the date, time, place and purpose of the hearing. The hearing must be held no less than ten (10) days and no more than sixty (60) days after giving such notice.

(2) Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

(F) *No adverse action pending eviction.* No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pending of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. 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 it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

(G) *Finding of disorderly conduct.* A determination that the licensed premises have been used in a disorderly manner as described in division (A) of this section shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(H) *Service of notices.* All notices given by the city under this section must be personally served on the licensee, sent by certified mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.

(I) *Enforcement actions.* Enforcement actions provided in this section are not exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state or federal law.

§ 153.14 CONDITION OF LICENSED PREMISES.

(A) *Compliance order.* Whenever the Enforcement Official determines that the condition of any rental dwelling or the premises surrounding it fails to meet the provisions of this ordinance, other applicable city code provisions or the International Property Maintenance Code, he or she may issue a compliance order setting forth the specific violations and ordering the owner to correct such violations.

(B) *Contents of the compliance order.* The compliance order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violations;
- (3) Set forth a reasonable time for the correction of the violations by the owner or resident agent; and
- (4) Be served upon the owner and resident agent either personally or by certified mail. A copy of the compliance order shall also be provided to the occupants of the rental dwelling.

(C) *License action.* If the violations listed in the compliance order are not remedied by the owner or resident agent within the specified time given in the order, the license for the rental dwelling may be denied, suspended, revoked, or not renewed by the city. An administrative fine in an amount set forth from time to time by the City Council by resolution may also be imposed. If the city decides that it will be denying, suspending, revoking or not renewing a license or imposing an administrative fine pursuant to this ordinance, the city shall send a notice of the proposed action to the owner and resident agent of the rental dwelling.

(D) *Appeal*. When it is alleged by the owner or resident agent that the compliance order is based upon the erroneous interpretation of this ordinance, other applicable city code provisions or the International Property Maintenance Code, the owner or resident agent may appeal the compliance order to the City Council. Such appeal shall be in writing, must specify the grounds for the appeal, and must be filed with the City within 5 business days after service of the compliance order.

§ 153.15 HEARING PROCEDURE.

(A) *Scheduling of hearing*. If the city makes a determination that it will be denying, suspending, revoking or not renewing a license pursuant to this ordinance, or if the owner or resident agent is appealing the compliance order pursuant to § 153.14, the City Council shall conduct a hearing on the matter. The hearing shall be scheduled at the next regular City Council meeting following the date of the notice or receipt of the owner's notice of appeal of a compliance order.

(B) *Hearing*. At the hearing, the City Council shall hear all relevant evidence and arguments and shall review all testimony, documents and other evidence submitted. The owner or resident agent shall have the opportunity to address the City Council at the hearing.

(C) *Findings*. After the hearing is concluded, the City Council shall make findings on whether to uphold the compliance order or to revoke, suspend, deny or not renew the license or impose an administrative fine. The City Council shall issue a written decision within 30 days following the date of the hearing and shall send a copy of its decision to the owner and resident agent by mail. The decision shall specify the rental dwelling or units to which it applies.

(D) *No occupancy*. If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the resident agent to thereafter permit the occupancy of the rental dwelling or the unit. A notice of the action shall be posted by the Enforcement Official on the rental dwelling or the unit in order to prevent any further occupancy. No person shall reside in, occupy or cause to be occupied that rental dwelling or unit until a license is obtained or reinstated by the owner.

(E) *Appeal*. An owner may appeal the decision of the City Council as allowed under § 153.14D).

§ 153.16 PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Section 2. This ordinance shall take effect upon the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Voting in the negative: _____

_____.

Voting in the affirmative: _____

_____.

Passed this _____ day of _____, 202_.

Mayor

ATTEST: _____

City Administrator

[Published in _____ on _____, 202_.]