

DRAFT

ARTICLE III. - RENTAL HOUSING²¹

Footnotes:

--- (2) ---

Editor's note— Ord. No. 883, adopted August 18, 2008, amended art. III in its entirety to read as herein set out. Former art. III, §§ 14-78—14-80, 14-91—14-98, 14-115—14-140, pertained to similar subject matter, and derived from Ord. No. 868, adopted Sept. 17, 2007; Ord. No. 871, adopted Nov. 19, 2007.

DIVISION 1. - GENERALLY

Secs. 14-76, 14-77. - Reserved.

Sec. 14-78. - Purpose and scope.

(a) *Purpose.* ~~The city recognizes the need for an organized, systematic inspection program of residential housing within the City to ensure rental housing meet City and state housing safety, health, fire, building, and zoning codes, and to provide a more effective system for compelling the correction of code violations and the proper maintenance of rental property within the City. Further, the most effective system to provide for rental inspections is the creation of a program requiring the and licensing of all residential rental housing within the City to ensure properties meet applicable requirements and to facilitate an support and orderly inspection schedule. This registration-rental licensing program is intended to protect and promote the health, safety, and general welfare of the entire community.~~

~~The purpose of this article is to provide minimum standards to safeguard life, personal health and safety, and the public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the city which are used for the purpose of rental housing.~~

~~To the extent that any standards of this article apply only to rental properties in R-1 and R-2 districts of the city, such standards are based on a finding by the city council that low density residential neighborhoods in the city are comprised primarily of owner-occupied single family dwellings and are designed and intended to be quiet, orderly, and safe neighborhoods for children and others, and that the quiet enjoyment and value of properties in such neighborhoods may be adversely impacted by the existence of rental properties occupied by groups of unrelated adults, where occupants tend to have more motor vehicles, generate greater traffic and parking congestion, and generate other adverse impacts on the neighborhood such as noise and disorderly conduct. In addition, the council finds that rental houses tend not to be as well or as aesthetically maintained as owner-occupied houses and that this tendency causes a decline in the condition and appearance of homes in the historic neighborhoods of Northfield, which are among its most valuable attributes and are of benefit to the public as a whole because they help make the city an attractive place to visit and to live.~~

(b) *Scope; application to existing rental properties.*

- (1) Except as otherwise specifically provided, the provisions of this article shall apply to all buildings or portions thereof used, designed, or intended to be let for human habitation.
- (2) Exceptions. The provisions of this article do not apply to the following:
 - a. Homes for the aged.
 - b. Licensed in-home residential care facilities.
 - c. Hhotels and; Mmotels.
 - d. Ccollege owned dormitories.
 - e. Rresidential college-related facilities in a College Development Zone (CDZ).
 - f. Ddwelling units which are occupied by the owner as the owner's primary residence and by one or more other persons who are not owners of the dwelling unit, and

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Indent: Left: 0.63", Hanging: 0.31"

DRAFT

~~g. Private residences that are occupied by a person or persons related to the owner of the property, by blood, marriage, registered domestic partnership or adoption as herein defined herein, to the owner of the property, are exempt from the provisions of this article.~~

~~h. Short-term rentals.~~

(3) Residential college-related facilities other than those located in a CDZ shall be subject to the provisions of this article, except be treated as follows:

a. Residential college-related facilities which came into existence ~~in 1981 or before and was licensed prior to October 22, 2007~~ (before the adoption of a zoning ordinance requiring a conditional use permit for certain of such uses) may be nonconforming uses under the zoning ordinance. Such facilities shall be allowed to maintain the occupancy numbers of the facility in existence as of the effective date of this article, October 22, 2007, but shall be subject to the other requirements of this article, including licensing.

b. Residential college-related facilities which came into existence after 1981 but before the effective date of this article shall be required to obtain a conditional use permit as soon as reasonably possible if one is required under the zoning ordinance and has not been obtained previously, shall be allowed the occupancy numbers in existence as of the effective date of this article, and shall be subject to the other requirements of this article.

~~c. If any of the residential college-related facilities which came into existence before October 22, 2007 mentioned in a. and b. above did not have rental licenses as of the effective date of this article of October 17, 2007, but licenses were applied for within 30 days of such effective date by November 22, 2007, such licenses shall continue to be granted regardless of the density limitations of section 14-97, so long as all other provisions of the Code are met, if all other requirements of this article are met. Otherwise the density limitations of section 14-97 shall apply to all residential college-related facilities in R-1 and R-2 zones.~~

~~d. Residential college-related facilities which come into existence after the effective date of this article shall be subject to all of the requirements of this article.~~

(4) ~~Except as otherwise specifically provided, all~~ licensed rental properties in existence on the effective date of this article shall be subject to the following limitations:

a. *Compliance required.* All rental properties shall comply with the requirements of this article, as it is amended from time to time, immediately within 90 days from upon the latest effective date of this article.

b. *Redistricting.* ~~The city shall be redistricted into one district which shall place pre-existing district 1 and pre-existing district 2 into a single district. The rental administrator shall determine the distribution of the relicensing program within the district in a reasonable manner. The relicensing program shall require the property owners of rental properties to relicense the rental properties every two years. The single district redistribution program shall not, because of redistricting in calendar year 2011, result in an increase in the inspection or licensing fees for the property owners when evaluated over the previous two district licensing program.~~

~~c. Immediate action.~~ Nothing in this section shall prevent the building official from taking any immediate enforcement or corrective action allowed by this article in the event a condition exists which causes a risk of serious harm to the public health or safety.

(c) *Inconsistency with other regulations.* If any standard of this article is inconsistent with any other applicable state or federal law, rule, or regulation, the most stringent requirement shall apply. However, this article preempts any apparently inconsistent provisions of chapter 14 of this Code as they may pertain to rental properties.

(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009; Ord. No. 919, 6-21-2011; Ord. No. 933, § 1, 6-5-2012)

DRAFT

Sec. 14-79. ~~Enforcement generally.~~ Authority and responsibilities.

- (a) *Authority.* The building official is hereby authorized and directed to enforce or cause the enforcement of this article. For such purposes, the building official shall have the authority to (1) issue administrative citations and impose civil penalties for violations of this article as provided in Section 4-61 of this Code, (2) work with local law enforcement officers and the City Attorney to promote the detection and enforcement of criminal violations of this article, and (3) shall have the powers necessary to investigate and pursue all other civil remedies for violations of under this article, except as otherwise provided. Law enforcement officers shall have the authority to issue citations for criminal offenses under this article whether they occur on public or private property and may issue administrative citations for civil penalties by arrangement with and as a designee of the building official. The building official shall be advised of any citations issued by law enforcement officers. The building official shall have the power to render interpretations of this article. Such interpretations shall be in conformity with the intent and purpose of this article.
- (b) *Right of entry.* When it is necessary to make an inspection for purposes of this article, or when the building official has reasonable cause to believe there exists on a rental property a condition which is contrary to or in violation of this article, the building official or their designee may enter the rental property or any part thereof at reasonable times to inspect and otherwise perform the duties imposed by this article, provided that if such rental property is occupied, city credentials must be presented to the occupant and entry requested. If such rental property is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. No rental license shall be issued or renewed if the building official cannot obtain entry to make inspection as required for the issuance or renewal of a license and any existing license shall be deemed suspended until entry is obtained and a satisfactory inspection is completed, unless the building official temporarily and in writing extends a license pending a satisfactory inspection for a period of time and for reasons acceptable to the building official.
- (c) *Violations.* ~~Any violation of this article is a misdemeanor, an administrative offense subject to an administrative citation and civil penalties as provided in Section 4-61 of this Code, and subject to all available civil penalties and other remedies. Each day a violation exists constitutes a separate violation. All remedies are cumulative.—Responsibilities of owners, occupants, managers and rental agents. Owners and occupants, and managers and rental agents who function as managers, shall be jointly responsible for maintaining rental property in a safe, sanitary and orderly condition and in compliance with this article and other applicable laws, rules and regulations. Owners are and remain liable for violation of duties imposed by this article even if a duty is also imposed on the occupants of the property, or on a manager or rental agent, and even if the owner has, by agreement, imposed on the occupant, manager or rental agent the duty of furnishing or maintaining required devices, equipment or facilities or otherwise complying with this article.~~
- (d) *Responsibilities of owners, occupants, managers, and rental agents.* ~~Owners and occupants, and managers and rental agents who function as managers, shall be jointly responsible for maintaining rental property in a safe, sanitary, and orderly condition and in compliance with this article and other applicable laws, rules, and regulations. Owners are and remain liable for violation of duties imposed by this article even if a duty is also imposed on the occupants of the property, or on a manager or rental agent, and even if the owner has, by agreement, imposed on the occupant, manager, or rental agent the duty of furnishing or maintaining required devices, equipment, or facilities or otherwise complying with this article. Violations. Any violation of this article is a misdemeanor and is also subject to all available civil penalties and other remedies. Each day a violation exists constitutes a separate violation.~~

Formatted: Font: Not Bold, Highlight

Formatted: Highlight

Formatted: Font: (Default) Arial, 10 pt, Highlight

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

~~(Ord. No. 883, 8-18-2008)~~

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-80. - Definitions.

V3 with markup

DRAFT

The following terms shall be defined as provided in this section for purposes of this article, unless the context clearly indicates otherwise. Terms which are not defined in this section or elsewhere in this article shall have their ordinary accepted meanings as determined by the context in which they are used.

Adult is a person 18 years of age or older.

Apartment building is a building or portion of a building that contains three or more dwelling units.

Building code or *state building code* is the Minnesota State Building Code established pursuant to Minn. Stat. § 326B.101-326B.16, and optional codes adopted by the city pursuant to section 34-296 of this Code, as amended from time to time.

Advisory inspection (NEED TO ADD) prior to issuance or application

Building official is the person designated by the city as its building official and includes any person designated by the building official to perform any of the functions of the building official under this article.

Bedroom is a room of at least 70 square feet of habitable floor area and comply with the applicable provisions in the 2006 International Property Maintenance Code including but not limited to, the light, ventilation, room area, ceiling height, and room width requirements.

City means the City of Northfield, Minnesota.

~~*Date of adoption of this article* means the date the council approved the second reading of the ordinance containing this article, that is, September 17, 2007.~~

Dwelling is a building wholly or partly used or intended to be used for living, sleeping, cooking, and eating purposes by human occupants, but not including hotels and motels.

Dwelling unit ~~or rental unit~~ is a room or a group of rooms located within a dwelling or apartment building which are used or intended to be used for living, sleeping, cooking, and eating purposes.

~~*Effective date of this article* means the date which is 30 days after publication of the ordinance by which this article was initially adopted.~~

Egress is an arrangement of exit facilities to assure a safe means of exit from a building.

~~*Extermination* is 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 building official; and by the removal of all signs of extermination thereafter.~~

~~*Infestation* is the presence of insects, rodents, or other pests within or around the dwelling on a premises.~~

Let is to give the use of a ~~dwelling, dwelling unit or rooming~~ unit by an owner, agent, or manager to a ~~tenant or occupant~~ in return for rent.

Manager is a person who has charge, care or control of a building or part thereof in which dwelling unit(s) or rooming unit(s) are let.

Maximum occupancy is the maximum number of occupants of a unit, as determined by the Building Official, in accordance with this article.

Northfield Property Maintenance Code is Secs.12-21.—12.23. of this Code, as it may be amended from time to time.

Nuisance is:

- (1) ~~a~~Any nuisance or blight as defined by this article or other provision of this Code.
- (2) ~~Any nuisance as defined by state or federal law or regulation.~~
- (3) ~~Any public nuisance known at common law or in equity jurisprudence.~~
- (4) ~~Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot, including but not limited to any abandoned well,~~

DRAFT

~~shaft, basement or excavation; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; and any lumber, trash, debris or vegetation that may prove a hazard to children.~~

- ~~(5) Whatever is dangerous to human life or is detrimental to health as determined by the building official.~~
- ~~(6) Overcrowding a room with occupants.~~
- ~~(7) Insufficient ventilation or illumination.~~
- ~~(8) Inadequate or unsanitary sewage or plumbing facilities.~~
- ~~(9) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings as determined by the building official.~~
- ~~(10) Owning, harboring or keeping any animals in excess of the number permitted under this code or by permit of the city council.~~
- ~~(11) Allowing or encouraging feral dogs or cats to frequent or remain on property without making reasonable efforts to rid the property of such animals.~~

Occupant is an individual living in or having possession of a building or part thereof for 14 consecutive days or more, whether or not the individual is occasionally absent from the premises.

Owner is a person or entity which alone or jointly with others owns or has an ownership interest in a dwelling, dwelling unit, or rooming unit within the city. Owner shall include any agent or manager designated by the owner to be responsible for the rental property, but the owner shall remain responsible for full compliance with this article.

Premises includes a dwelling or dwellings, surrounding land related thereto, and other structures located on such land.

Refuse is all putrescible and nonputrescible waste solids including garbage and rubbish. (Putrescible means liable to undergo bacterial decomposition when in contact with air and moisture at normal temperatures.)

Related ~~by blood, marriage, registered domestic partnership or adoption~~ means whole or half relationship between persons through a common ancestor or descendant or by a relationship as husband, wife, domestic partner as defined in section 2-12, stepparent, stepchild, parent and legally adopted child, or foster parent and state assigned foster child.

Rent is a stated return or payment for the temporary possession of a ~~dwelling, dwelling unit or rooming~~ unit. The return or payment may be money, service, property, or other valuable consideration.

Rental agent is a person who is the representative of an owner of rental property. ~~A rental agent must live within 20 miles of the corporate limits of the city. A rental agent may or may not be the manager of the rental property. A rental agent shall not be a tenant of the rental property, unless that person is a manager of an apartment building. Notices or orders served on a rental agent shall be deemed to have been served on the owner of the property.~~

Rental property is any dwelling, dwelling unit, rooming unit, or multiples thereof on one property and the related premises which are subject to this article.

Rooming unit is a 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, along with private or shared sanitation facilities.

Safety is the condition of being reasonably free from danger and hazards which may cause injury or illness.

Tenant means any person who occupies and uses as their primary residence a unit furnished to said person for payment of a rent to another.

Unit is any dwelling, dwelling unit, or rooming unit regulated by this article.

DRAFT

(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009; Ord. No. 910, 6-21-2011; Ord. No. 933, § 2, 6-5-2012)

Secs. 14-81—14-90. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-91. - Application.

- (a) Application by owner Require. The owner of any structure in which one or more units are intended to be let shall make application for a rental housing license prior to letting the unit, unless such unit is currently licensed or is exempt from the provisions of this article. The owner shall not allow occupancy of such unit until the required license fee has been paid and a rental housing license has been issued pursuant to this division.
- (b) Contents of application. The application shall be made on the form provided by the City. Such application for must show compliance with the density requirements of Sec. 14-9X, except for an application for a temporary license pursuant to Sec. 14-94.
- (c) Rental agent. No license for property owned by a person who resides outside the corporate limits of the city shall be issued unless the owner provides on the license application to the city the name, address, and phone number of a rental agent who lives within 20 miles of the corporate limits of the city. The rental agent shall not be a tenant of the licensed property or of another licensed property owned by the same owner, unless that person is a manager of an apartment building in which he or she lives. Notices or orders served on a rental agent shall be deemed to have been served on the owner of the property.

Sec. 14.92. - License Types

(a) Four types of licenses. The City shall issue the four types of licenses listed in Table 14-92, based on (i) application for a permanent or temporary license; (ii) the number of units; and (iii) the number of property and nuisance code violations found in an inspection per unit. Table 14.92 lists the respective licensing category, licensing period, minimum inspection frequency, required improvement plan, and allowed property and nuisance code violations allowed per inspection per unit.

<u>Licensing Category</u>	<u>Licensing Period</u>	<u>Minimum Inspection Frequency</u>	<u>Required Improvement Plan</u>	<u>Number of Units</u>	<u>Property and or Nuisance code violations allowed per inspection per unit</u>
<u>Type I</u>	2 years	1 in 2 years, upon request, or as needed as determined by the City	N/A	1-2	Greater than 1 but not more than 4
				3+	Greater than .75 but not more than 1.5
<u>Type II</u>	1 year	1 per year, upon request, or as needed as	Action Plan	1-2	Greater than 4 but less than 8
				3+	Greater than 1.5 but less than 3

- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt, Bold
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt, Bold
- Formatted: Font (Default) Arial, 10 pt, Bold
- Formatted: Font (Default) Arial, 10 pt, Bold
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt, Bold
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt, Bold
- Formatted: Font (Default) Arial, 10 pt
- Formatted Table
- Formatted: Font (Default) Arial, 10 pt
- Formatted: Font (Default) Arial, 10 pt

DRAFT

		<u>determined by the City</u>			
<u>Type III</u>	<u>6 months</u>	<u>1 every 6 months, upon request, as specified by the Mitigation Plan, or as needed as determined by the City</u>	<u>Mitigation Plan</u>	<u>1-2</u> <u>3+</u>	<u>8 or more</u> <u>3 or more</u>
<u>Temporary</u>	<u>1 year or less</u>	<u>Once per year, upon request, or as needed as determined by the City</u>	<u>N/A</u>	<u>N/A</u>	<u>3 or more</u>

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-93. - Issuance.

(a) Initial issuance. The building official shall issue a license for each unit, when, upon inspection pursuant to Sec. 14-95, the building official finds that the unit meets or exceeds the minimum requirements set forth by this article.

(b) Determining license category. License categories are based on property and nuisance code violations found during the initial, renewal, owner-requested, or complaint-based inspections, as listed in Table 14.92. Each inspection shall serve as a verification of the category of license issued to the property. Based on the outcome of any inspection, a property may move from a lower numbered category of license to a higher numbered category.

Formatted: Font: Not Italic

(c) Contents of license. A rental license shall show the date of license issuance, the maximum occupancy for which the unit is approved, the category of license issued, the type of improvement plan if one is required as part of the license category, the term of the license, and the expiration date of the license.

Formatted: Font: Italic

(d) Nontransferable. Licenses issued pursuant to this article are nontransferable.

Formatted: Font: Not Italic

Sale of property. When a licensed rental property is sold, the new owner shall apply for a new rental license in the name of the new owner within 30 days of closing on the sale. The property may be required to be re-inspected prior to issuance of the license, in the discretion of the building official. If the property is not re-inspected, the new property owner shall be issued a Type II license unless the unit was subject to an improvement plan. If the property was subject to an improvement plan, the new owner shall be issued a Type III or Type IV license, respectively, until such time as the new owner can show compliance with the improvement plan. If a new license is not issued within 60 days of closing on the sale of the property, or a longer period as allowed in writing by the building official, the property shall cease being rented and shall not be rented again until a new rental license is issued.

Formatted: Font:

(e)

Formatted: Font: 10 pt

(a) Application by owner. The owner of any structure in which one or more dwelling units or rooming units are intended to be let shall make application for a rental housing license prior to letting the unit, unless such unit is currently licensed or is exempt from the provisions of this article. The owner shall not allow occupancy of such unit until the required license fee has been paid and a rental housing license has been issued pursuant to this division.

Formatted: p0, Indent: Left: 0", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: p0

DRAFT

~~(b) *Rental agent.* No license for property owned by a person who resides outside the corporate limits of the city shall be issued unless the owner provides to the city the name, address and phone number of a rental agent who lives within 20 miles of the corporate limits of the city. The rental agent shall not be a tenant of the licensed property or of another licensed property owned by the same owner, unless that person is a manager of an apartment building in which he or she lives. Notices or orders served on a rental agent shall be deemed to have been served on the owner of the property.~~

~~(Ord. No. 883, 8-18-2008)~~

~~Sec. 14-92. - Issuance.~~

~~The building official shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when, upon inspection, the building official finds that the dwelling or unit meets or exceeds the minimum requirements set forth by this article. A rental license shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved and, once issued, shall remain valid until it expires under the terms of this article or is suspended or revoked or until such time as the building official determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements of this article. When a rental property is sold, the new owner shall apply for a rental license in the name of the new owner within 30 days of closing on the sale. The property may be required to be re-inspected prior to issuance of the license, in the discretion of the building official. If a new license is not issued within 60 days of closing on the sale of the property, or within such extended period of time as may be allowed in writing by the building official, the property shall cease being rented and shall not be rented again until a rental license may be issued thereafter, on terms as if it were being issued for the first time. A license issued to a new owner during a two-year license cycle shall expire at the end of that license cycle. The new owner shall be credited with having paid any license fee paid by the previous owner for the current license cycle, but if any amount is owing, the new owner shall pay the full license fee if the new owner takes over at any time during the first year of the license cycle and shall pay half the license fee if the new owner takes over at any time during the second year of the license cycle. The property will be subject to re-inspection and license renewal at the same time as other rental properties.~~

~~(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009; Ord. No. 919, 6-21-2011)~~

~~(f) *Renewal.* A rental housing license shall expire at the end of the respective license period listed in Table 14.92. A renewal license shall be applied for at least 30 days prior to expiration of the existing license. A late fee in an amount established by resolution of the city council from time to time will be charged for renewal license applications that are not applied for at least 30 days prior to expiration of the existing license. The property shall not be occupied by a tenant after expiration of a license, provided that the building official may issue a temporary renewal license not to exceed two months in duration if the building official deems it appropriate to allow continued occupancy pending issuance of a renewal license. A temporary renewal license shall expire on the stated date and the property shall not continue to be occupied by a tenant unless a full renewal license has been issued by that date.~~

~~Sec. 14-94. - Temporary rental license.~~

~~Notwithstanding section 14-97, the building official may issue a temporary rental license under the following conditions:~~

- ~~(1) The property owner seeking a temporary rental license must submit a written application on the form provided by the City.~~
- ~~(2) In the written application filed with the building official, the property owner must state that one or more of the following circumstances does currently or will within the next 30 days apply to the property owner:~~
 - ~~a. The property owner is currently taking, or will be taking, an extended leave of absence from the property owner's place of employment for a duration of six months or more where the property owner or the property owner's family do not reside at the property; or~~

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Formatted: Font: Italic

Formatted: Indent: First line: 0", Tab stops: 1.26", Left

Formatted: Font: Italic

Formatted: Font: (Default) Arial, 10 pt

DRAFT

- b. The property owner is involved in a bankruptcy or foreclosure proceeding directly involving the property and property owner; or
 - c. The property owner (i) is currently or will become unemployed, or (ii) has or will have a change in employment status resulting in a loss of income or in the relocation of the property owner more than 20 miles away from the city; or
 - d. The property is being or will be actively listed or offered for sale to the public by the property owner.
- (3) Notwithstanding anything to the contrary in this section, the temporary rental license may be issued for a period not to exceed 12 months, provided however, that upon written request/application of the property owner to the building official a one-time extension of the temporary rental license may be issued by the building official for a period not to exceed an additional 12 months. The extension shall not be issued by the building official if the rental property has had three or more nuisance or property maintenance violations against the property in the first 12-month temporary rental period. The temporary rental license period extension is subject to issuance of a new temporary rental license by the building official, following the property's passage of city rental inspection and payment of the required license fee.
- (4) Subject to clause [subsection] (3) above, the temporary rental license shall terminate immediately upon closing of a sale of the property to a bona fide purchaser or at the end of a bona fide lease agreement, but the rental occupancy may not exceed the temporary rental license expiration date.
- (5) A property may be issued a temporary rental license and extension as provide for in this section only one time within a five-year period.
- (6) The property shall at all times comply with applicable city and state rental housing requirements, property maintenance requirements, and all other laws and ordinances applicable to the property.
- (7) The fees for the 12-month temporary rental license and any extension thereof as provided in this section shall be the same as the regular rental license with no prorating for the difference in any rental duration.

Sec. 14-93. - Renewal.

Except as otherwise provided in this article, a rental license shall expire at the end of the two-year license cycle for the rental property. A renewal license shall be applied for at least 30 days prior to expiration of the existing license. A late fee in an amount established by resolution of the city council from time to time will be charged for renewal license applications that are not applied for at least 30 days prior to expiration of the existing license. Property shall not be occupied by a tenant after expiration of a rental license or renewal license, provided that the building official may issue a temporary renewal license not to exceed two months in duration if the building official deems it appropriate to allow continued occupancy pending issuance of a renewal license. A temporary renewal license shall expire on the stated date and the property shall not continue to be occupied by a tenant unless a full renewal license has been issued by that date.

Sec. 14-956. - Inspection.

- (a) The building official must conduct an inspection of the interior and exterior of any property applying for a new or renewed rental housing license for compliance with the standards in this article. At least 75% of units will be inspected. ~~The building official shall inspect property for compliance with this article upon application for a rental housing license and on the city's regular inspection schedule near the end of every two year license cycle.~~ No license shall be issued except upon a satisfactory inspection.
- (b) The building official ~~shall~~ must also inspect rental property upon receiving a bona fide complaint from a complainant who leaves his/her name and address. ~~Anonymous complaints shall not be investigated.~~

Formatted: Font: (Default) Arial, 10 pt

DRAFT

- (c) ~~Any owner or prospective owner or occupant of rental property or prospective rental property may request an advisory inspection of the property at any reasonable time. Advisory inspections will be completed as staff time permits and may be limited to no more than one inspection per property, per year.~~
- (d) ~~Upon inspection and the finding of a violation, the building official shall notify the owner and the occupant in writing of the violation and the requirement to correct the violation.~~
- (e) ~~If the building official finds a violation of the standards imposed by this article at any time after issuance of a rental license, the building official shall re-inspect that property on an annual basis until the property has been free of all violations for a period of one full year, at which time the property shall return to the usual schedule of inspection. The property owner shall pay inspection fees, in amounts determined by resolution of the city council from time to time, for any extra inspections resulting from violation of this article.~~

~~(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009; Ord. No. 919, 6-21-2011)~~

~~Sec. 14-94. - Suspension or revocation.~~

~~A rental housing license may be suspended or revoked by the city council based on any serious or repeated violation of this article or other law, rule or regulation related to use or maintenance of the property. Except as otherwise provided by this article, property owners shall be given notice and an opportunity for a hearing before a license may be suspended or revoked. The procedures for such notice and hearing shall be as set forth in division 4 of this article. A rental housing license may be suspended on an emergency basis, with such notice as may reasonably be given but without formal notice and hearing, if necessary to prevent imminent risk of serious harm to persons or property.~~

~~(Ord. No. 883, 8-18-2008)~~

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-965. - Fees.

Fees for licenses, renewals, inspections, reinspections, advisory inspections, penalties, reinstatement, and appeals, shall be in the amount set by the city council from time to time in the city fee schedule. The license fee is non-refundable in the event of discontinuance of use, sale, or the revocation or suspension of a license. The property owner shall pay inspection and reinspection fees, in amounts determined by resolution of the city council from time to time, for any extra inspections resulting from violation of this article.

Whenever any person fails to pay the license fees or other fees associated with this article, the city may assess these fees against the property as a special assessment, in the manner provided by Minnesota Statutes §§ 429.061 to 429.081.

- (a) ~~A rental housing license or renewal license fee for the two-year license cycle for properties in an amount established by resolution of the city council from time to time, shall be paid prior to issuance of a rental housing license or renewal license. The license fee for a new license that is issued during a two-year license cycle shall be the full amount of the fee if the license is issued at any time during the first year of the license cycle and half the amount of the fee if the license is issued at any time during the second year of the license cycle. An inspection fee, in an amount established by resolution of the city council from time to time, shall be imposed for any inspection requested or required apart from one inspection every two years performed pursuant to section 14-96(a). If the property owner as a result of the property owner's negligence, error or omission fails to obtain a renewal rental license prior to expiration of an existing license or extension thereof, a late fee may be charged in an amount established by resolution of the city council from time to time.~~
- (b) ~~If a property is found by the building official to be rented without a rental housing license, the rental license fee in the year of issuance of the rental housing license to the property shall be in an amount established by resolution of the city council from time to time, but shall not be less than two times the~~

DRAFT

~~amount of the applicable rental license fee provided in paragraph (a) of this section. This fee is in addition to any other appropriate enforcement action or fee due. Subsequent rental license renewal fees shall be calculated for properties in compliance with this article as provided in paragraph (a) of this section.~~

~~(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009; Ord. No. 919, 6-21-2011)~~

~~Sec. 14-96. - Inspection.~~

- ~~(a) The building official shall inspect property for compliance with this article upon application for a rental housing license and on the city's regular inspection schedule near the end of every two year license cycle. No license shall be issued except upon a satisfactory inspection.~~
- ~~(b) The building official shall also inspect rental property upon receiving a bona fide complaint from a complainant who leaves his/her name and address. Anonymous complaints shall not be investigated.~~
- ~~(c) Any owner or occupant of rental property may request an advisory inspection of the property at any reasonable time.~~
- ~~(d) Upon inspection and the finding of a violation, the building official shall notify the owner and the occupant in writing of the violation and the requirement to correct the violation.~~
- ~~(e) If the building official finds a violation of the standards imposed by this article at any time after issuance of a rental license, the building official shall re-inspect that property on an annual basis until the property has been free of all violations for a period of one full year, at which time the property shall return to the usual schedule of inspection. The property owner shall pay inspection fees, in amounts determined by resolution of the city council from time to time, for any extra inspections resulting from violation of this article.~~

~~(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009; Ord. No. 919, 6-21-2011)~~

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-97. - Limitation on rental properties in low density neighborhoods.

In R-1 and R-2 districts in the city, no more than 20 percent of the houses on a single block shall be granted rental housing licenses. For purposes of this section, the word house shall mean a single structure containing one or more rental-dwelling units. A single block shall be defined as the houses on both sides of a street between successive intersecting streets or between other such boundaries including college campus boundaries, railroad rights of way, corporate limit lines, or physical features such as rivers, outcroppings, ponds, or lakes. Corner houses shall be included in the count of houses on a single block, regardless of which way they face or on what street they are addressed (corner houses may be counted as part of more than one single block).

(1) *Exception.* This limitation shall not apply to rental properties which ~~were~~ **are** validly licensed as of ~~September 22, 2007~~ **the date of adoption of this article**, including properties which have been sold and re-licensed as provided in section 14-93(e)2, although they will be counted among the 20 percent of allowable rental houses on a single block for purposes of determining whether new licenses may be issued.

Formatted: Highlight

Formatted: Highlight

Formatted: Font: (Default) Arial, 10 pt, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-97. - Appeal.

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-98. - Specifically prohibited acts.

~~Whoever does any of the following, in addition to any other violation of this article without limitation, shall be guilty of a misdemeanor and shall be subject to all available criminal and civil penalties and other remedies:~~

DRAFT

- ~~(1) — *No license.* Allows occupancy of a dwelling, dwelling unit or rooming unit prior to the issuance of a rental housing license and payment of the license fee or after suspension, revocation or expiration of a rental housing license or renewal license.~~
- ~~(2) — *Over-occupancy.* Occupies or allows occupancy of a rental property by more persons than the property is approved for.~~
- ~~(3) — *Occupying vacated unit.* Occupies or allows occupancy of a rental property that was posted and ordered vacated.~~
- ~~(4) — *Occupying uncertified bedrooms.* Occupies or allows occupancy of a room as a bedroom that is not approved as a bedroom and does not qualify as a bedroom under this article.~~
- ~~(5) — *Occupancy of unlicensed unit.* Occupies a rental property for which no license has been issued or for which a license has been suspended, revoked, or has expired without being properly renewed. An occupant of a property which has lost its rental license shall immediately vacate the property. An occupant's remedy for the loss of his or her leasehold interest, if any, shall be by private claim or action against the property owner.~~
- ~~(6) — *Blight and nuisance violations.* Creates, maintains, allows or permits on rental property any condition which constitutes a blight or nuisance as defined or described by this article or by any other applicable law or regulation.~~

(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009)

~~Sec. 14-99. — Temporary rental license.~~

~~Notwithstanding section 14-97 (*Limitation on rental properties in low density neighborhoods*), the building official may issue a temporary rental license under the following conditions:~~

- ~~(1) — The property owner seeking a temporary rental license must submit a written request/application for said license to the building official.~~
- ~~(2) — In the written request/application filed with the building official, the property owner must state that, during the term of the temporary rental license, one or more of the following circumstances will, within the next 30 days, or currently does, apply to the property owner:
 - ~~a. — The property owner is currently taking, or will be taking, an extended leave of absence from the property owner's place of employment for a duration of six months or more where the property owner or the property owner's family do not reside at the property; or~~
 - ~~b. — The property owner is involved in a bankruptcy or foreclosure proceeding directly involving the property and property owner; or~~
 - ~~c. — The property owner (i) is currently or will become unemployed, or (ii) has or will have a change in employment status resulting in a loss of income or in the relocation of the property owner more than 20 miles away from the city; or~~
 - ~~d. — The property is being or will be actively listed or offered for sale to the public by the property owner.~~~~
- ~~(3) — Notwithstanding anything to the contrary in this section, the temporary rental license may be issued for a period not to exceed 12 months, provided however, that upon written request/application of the property owner to the building official a one-time extension of the temporary rental license may be issued by the building official for a period not to exceed an additional 12 months. The extension shall not be issued by the building official if the rental property has had three or more blight notices, conduct violations or police reports filed against the property in the first 12-month temporary rental period. The temporary rental license period extension is subject to issuance of a new temporary rental license by the building official, following the property's passage of city rental inspection and payment of the required license fee.~~

DRAFT

- (4) ~~Subject to clause [subsection] (3) above, the temporary rental license shall terminate immediately upon closing of a sale of the property to a bona fide purchaser or at the end of a bona fide lease agreement, but the rental occupancy may not exceed the temporary rental license expiration date.~~
- (5) ~~A property may be issued a temporary rental license and extension as provide for in this section only one time within a five-year time period.~~
- (6) ~~The property shall at all times comply with applicable city and state rental housing requirements, property maintenance requirements, and all other laws and ordinances applicable to the property.~~
- (7) ~~The fees for the 12-month temporary rental license and any extension thereof as provided in this section shall be the same as the regular rental license with no prorating for the difference in any rental duration.~~

~~Any property owner who is aggrieved by a decision or action of the building official pursuant to this section may appeal in accordance with section 14-136 to the rental housing board of appeals.~~

~~(Ord. No. 933, § 3, 6-5-2012)~~

~~Secs. 14-100—14-114. — Reserved. Any licensee or potential licensee may appeal the denial of a license or any other action of the building official related to a license to the City Council, by following the appeal process found in Sec. 4-62 of this Code.~~

DIVISION 3. - OCCUPANCY, USE, AND MAINTENANCE STANDARDS

Sec. 14-115. - Compliance.

- (a) *Generally.* No dwelling, dwelling unit or rooming unit shall be let for occupancy to another which does not comply with the requirements of this article. All rental properties shall comply with the requirements of this article immediately upon the effective date of this article unless a different date or time is specified in this article.
- (b) *Compliance with applicable state codes.* The structures on all rental properties shall be in compliance with the state building code and all related state codes which were in effect on the date such structures were constructed, added onto, altered, or repaired, or which otherwise apply by the terms of such state codes. If it is not possible or feasible to determine which code applied at the time of construction, addition, alteration, or repair, the least restrictive code provision which has existed at any time the structure has been in existence, or at any time an addition, alteration, or repair could have been made, shall apply. If a structure is found to be out of compliance with an applicable code, it shall be brought into compliance within a reasonable time following issuance of an order for correction, as determined by the building official.
- (c) *Northfield Property Maintenance Code.* All rental properties shall comply with the provisions of the Northfield Property Maintenance Code, as stated in Secs.12-21.—12.23. of this Code. If a conflict exists between this article and the Northfield Property Maintenance Code, the most stringent requirements shall apply.
- (d) *Maintenance of clean, safe and sanitary condition.* Whether or not specifically mentioned in this article, all parts of all structures, accessory structures, appliances, equipment, systems, components, outside areas and other elements of all rental properties without limitation shall at all times must be kept at all times in a clean, safe and sanitary condition.
- (e) *Occupancy.* The total number of occupants is to be determined by the building official and may not exceed twice the number of legal bedrooms plus one. Any bedroom which more than one person is to occupy must exceed the minimum 70 square foot habitable area by 30 square feet.

Sec. 14-116. - Specifically prohibited acts.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

DRAFT

Whoever does any of the following, in addition to any other violation of this article without limitation, shall be (1) guilty of a misdemeanor, (2) subject to an administrative citation and civil penalties as provided in [Section 4-61](#) of this Code, and (3) subject to all available criminal and civil penalties and other remedies:

- (1) No license. Allows occupancy of a unit prior to the issuance of a rental housing license and payment of the license fee or after suspension, revocation or expiration of a rental housing license or renewal license.
- (2) Over occupancy. Occupies or allows occupancy of a unit by: (1) more persons than the unit is approved for or (2) in such way as to create conditions that, in the opinion of the building official, endanger the life, health, safety, or welfare of the occupants. Children under 2 years of age do not count toward the occupancy number of a unit.
- (3) Occupying vacated unit. Occupies or allows occupancy of a unit that was posted and ordered vacated.
- (4) Occupying uncertified bedrooms. Occupies or allows occupancy of a room as a bedroom that is not approved as a bedroom and does not qualify as a bedroom under this article.
- (5) Occupancy of unlicensed unit. Occupies a unit for which no license has been issued or for which a license has been revoked or has expired without being properly renewed. An occupant of a unit which has lost its rental license shall vacate the property immediately or as ordered by the City Council. An occupant's remedy for the loss of his or her leasehold interest, if any, shall be by private claim or action against the property owner.

(Ord. No. 883, 8-18-2008)

Sec. 14-1176. ~~— Bathroom—Additional performance standards—ventilation.~~

(a) Ventilation. Any mechanical ventilation systems provided in lieu of exterior openings for natural ventilation in bathrooms shall be kept clean and maintained in good operating condition.

(b) Bathroom accessibility. Where bathrooms are shared by rooming units or by occupants of a dwelling unit, the bathrooms shall be located so that no occupant has to pass through another occupant's bedroom to use the facility.

(a) Rooming units. Where private bathrooms are not provided for each rooming unit, there shall be provided at least one bathroom accessible from a shared hallway.

(c) Room separations. Every water closet, bathtub or shower required by this article shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food preparation areas by a tight-fitting door.

(Ord. No. 883, 8-18-2008)

Sec. 14-117. ~~— Sanitation.~~

(a) Rooming units. Where private bathrooms are not provided for each rooming unit, there shall be provided at least one bathroom accessible from a shared hallway.

(b) Kitchen. Each dwelling and dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Sinks shall be of nonabsorbent materials.

(c) Bathroom accessibility. Where bathrooms are shared by rooming units or by occupants of a dwelling unit, the bathrooms shall be located so that no occupant has to pass through another occupant's bedroom to use the facility.

Formatted: Indent: Left: 0", Hanging: 0.31"

Formatted: Font: (Default) Arial, 10 pt

DRAFT

~~(d) *Room separations.* Every water closet, bathtub or shower required by this article shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food preparation areas by a tight fitting door.~~

~~(e) *Floor coverings.* Floor surfaces shall be maintained in good condition so the floor can be kept in a sanitary condition.~~

~~(f) *Installation and maintenance of sanitary facilities.* All sanitary facilities shall be installed and maintained in a safe and sanitary condition.~~

(Ord. No. 883, 8-18-2008)

~~Sec. 14-118. *Structural requirements.*~~

Formatted: Font: (Default) Arial, 10 pt

~~(a) *General.* Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be maintained in a sound condition.~~

~~(b) *Protection of materials.* All wood shall be protected against water damage and decay.~~

(Ord. No. 883, 8-18-2008)

~~Sec. 14-119. *Mechanical requirements.*~~

Formatted: Font: (Default) Arial, 10 pt

~~(a) *Heating.* All heating appliances shall be installed and maintained in a safe condition and in accordance with their listings.~~

~~(b) *Electrical equipment.* All electrical equipment, wiring and appliances shall be installed and maintained in a safe condition.~~

~~(c) *Ventilation.* Where mechanical ventilation is provided, such mechanical ventilation system shall be maintained in a good and safe operating condition.~~

(Ord. No. 883, 8-18-2008)

~~Sec. 14-120. *Exits; hand and guardrails.*~~

Formatted: Font: (Default) Arial, 10 pt

~~(a) *Obstruction of egress.* Obstructions, including storage, shall not be placed in the required width of a means of egress, except for projections allowed by the building code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.~~

~~(b) *Handrails and guardrails.* Handrails and guardrails must not be broken or in an unsafe condition.~~

(Ord. No. 883, 8-18-2008)

~~Sec. 14-121. *Fire protection.*~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

~~(ea) *Smoke detectors.* Smoke detectors shall be installed and maintained as required by Minn. Stat. § 299F.362 and rules promulgated in accordance therewith.~~

~~(fb) *Fire extinguishers.* All ~~rental~~ units shall be equipped with a fire extinguisher with a minimum rating of 2A 10BC. The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within 50 feet of each dwelling unit door. Fire extinguishers shall be serviced at least annually. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.~~

DRAFT

(g) *Carbon monoxide alarms.* Carbon monoxide alarms shall be installed and maintained in compliance with Minn. Stat. §§ 299F.50 and 299F.51.

(h) *Energy conservation. Doors and windows shall be maintained in tight and operable condition. Holes and cracks in foundations and exterior walls shall be filled.*

(Ord. No. 883, 8-18-2008)

Sec. 14-122118. - Miscellaneous requirements.

(a) *Building identification.* Every building shall have the assigned street number(s) displayed on the building in such a position as to be plainly visible and legible from the street fronting the property and as otherwise required by this Code. Every building shall have the owner's name, address and phone number posted on a sign or plaque within two feet of the main building entrance. If there is a rental agent or manager, the agent or manager's name, address and phone number shall also be posted, adjacent to the owner's. If, however, the building is an apartment building and the building has a rental agent or manager, only the rental agent or manager's name, address and phone number need be posted, and not the owner's. The number of occupants for which each rental unit is approved shall also be stated. Such sign or plaque shall be permanently affixed to the inside of the building. The sign shall be printed in 24 font size or larger and shall be worded according to the following form:

BUILDING OWNER	AGENT/MANAGER
NAME	NAME
STREET ADDRESS	STREET ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
PHONE NUMBER	PHONE NUMBER

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

UNIT # ___ - ___ OCCUPANTS

Formatted: Normal (Web), Indent: First line: 0.3"

UNIT # ___ - ___ OCCUPANTS

~~It shall be a misdemeanor offense to deface or remove a building identification sign required by this section.~~

Formatted: Font: 10 pt

(b) *Recyclables.* The property owner shall provide recyclable materials containers. Occupants shall place recyclables curbside on designated pick-up days and shall remove such containers from curbside by 6:00 p.m. the day of collection. Recyclables shall be stored in an inconspicuous place and shall not be stored in the front yard.

(c) *Refuse.* The property owner shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight-fitting cover. Containers shall have a maximum capacity of 33 gallons with two handles, or a container of any size supplied by the waste removal company to be mechanically lifted may be used. Occupants shall place refuse in the approved refuse containers provided by the owner. The owner shall ensure that refuse is removed from the property at least once every seven days. Refuse containers shall not be stored in the front yard and shall be removed from curbside by 6:00 p.m. the day of collection. Containers with a capacity of 1.5 cubic yards or more shall

DRAFT

not be stored in an occupied building or within five feet of combustible walls, openings or combustible roof eaves. Containers with a capacity of 1.5 cubic yards or more shall not be kept outside an enclosed structure on a property for more than 30 days per calendar year unless completely screened from public view.

- (d) ~~Unused or discarded items.~~ Discarded, unused, dilapidated or junk appliances, furniture, mattresses, building materials, and other items shall be promptly removed from the property.
- (e) ~~Storage of items.~~ Large amounts of combustible items and materials shall not be stored in attics or basements. Storage shall be maintained two feet or more below ceilings and floor joists. Combustible items and materials 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 aisle shall be maintained to all exits, furnaces, water heaters, water motors, gas motors or other building service equipment.
- (f) ~~Energy conservation.~~ Doors and windows shall be maintained in tight and draft free condition. Holes and cracks in foundations and exterior walls shall be filled.
- (g) ~~Blight prohibited; safe and sanitary conditions required.~~ All rental properties shall conform to the following exterior property standards and maintenance requirements, in addition to any other property and maintenance standards and blight and nuisance regulations which may apply to the property (the most stringent requirements shall apply):
 - (1) ~~Clean, safe and sanitary condition.~~ All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
 - (2) ~~Grading and drainage.~~ All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water outside or within any structure located thereon.
 - (3) ~~Walkways and driveways.~~ All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
 - (4) ~~Weeds.~~ All exterior property and premises shall be maintained free from weeds and other plant growth in excess of six inches. Weeds shall be defined as all grasses, annual plants and vegetation other than trees, shrubs and cultivated flowers and gardens.
 - (5) ~~Rodent harborage.~~ All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
 - (6) ~~Accessory structures.~~ All accessory structures shall be maintained structurally sound and in good repair.
 - (7) ~~Motor vehicles.~~ No inoperable or unlicensed motor vehicle shall be parked, kept or stored outside of a completely enclosed structure on any rental property.
 - (8) ~~Defaced property.~~ It shall be the responsibility of the owner to restore any portion of a rental dwelling or rental property that has been damaged, mutilated or defaced by the placing of any marking, carving or graffiti on any structure.
 - (9) ~~Exterior maintenance, generally.~~ The exterior of a structure shall be maintained in good repair and in a sanitary condition.
 - (10) ~~Protective treatment.~~ All exterior surfaces including but not limited to siding, doors, windows, door and window frames, cornices, porches, trim, balconies, chimneys, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained in a weather resistant and water tight condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

DRAFT

- ~~(11) *Structural members.* All structural members shall be maintained free from deterioration and in such condition as will safely support the imposed dead and live loads.~~
- ~~(12) *Foundation walls.* All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.~~
- ~~(13) *Exterior walls.* All exterior walls shall be free from holes, breaks and loose or rotting materials and shall be maintained weatherproof and properly surface coated where required to prevent deterioration.~~
- ~~(14) *Roofs and drainage.* Roofs and flashing shall be sound, tight and shall not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.~~
- ~~(15) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.~~
- ~~(16) *Overhang extensions.* All overhang extensions including but not limited to canopies, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and shall be properly anchored.~~
- ~~(17) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.~~
- ~~(18) *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe and sound and in good repair.~~
- ~~(19) *Handrails and guardrails.* Every handrail and guardrail shall be firmly fastened and shall be maintained in good condition.~~
- ~~(20) *Windows, skylights, doors and frames.* Every window, skylight, door and door frame shall be kept in sound condition, good repair and weather tight.~~
- ~~(21) *Glazing.* All glazing materials shall be maintained free from cracks and holes.~~
- ~~(22) *Openable windows.* Every window other than a fixed window shall be easily openable and capable of being held in position by window hardware.~~
- ~~(23) *Insect screens.* All openable windows shall be provided with screens that are properly fitting and free from holes and tears.~~
- ~~(24) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.~~
- ~~(h) *Carbon monoxide alarms.* Carbon monoxide alarms shall be installed and maintained in compliance with Minn. Stat. §§ 299F.50 and 299F.51.~~

~~(Ord. No. 883, 8-18-2008; Ord. No. 900, 7-20-2009)~~

Sec. 14-~~423~~119. - Parking.

The following parking standards apply to rental properties in R-1 and R-2 districts of the city only and supersede any inconsistent standards established by this [codeCode](#). Parking standards for rental properties in other zoning districts shall be as stated in section [34-10133.6.5](#) of [this Code](#)~~the Land Development Code~~. The building official shall inspect and approve specific parking spaces for each rental property which is subject to this section and the approved spaces shall be designated in conjunction with the rental license. The owner and occupants of the property shall not allow parking anywhere other than on approved parking spaces.

V3 with markup

DRAFT

- (1) *Number of spaces.* Each rental dwelling unit shall have a minimum of two off-street parking spaces, and as many additional off-street spaces as may be desired so long as they meet the dimensional, surface, location, and other requirements of this section.
- (2) *Dimensional standards.* Parking spaces shall have the following minimum dimensions:
Width: Nine feet.
Length (non-tandem): 18 feet.
Length (tandem): 22 feet.
- (3) *Parking surface standards.* Each parking space shall be constructed and maintained in good condition with a uniform hard surface of concrete, asphalt, minimum of four inches of Class 5 compacted gravel, or similar surface specifically approved by the building official.
- (4) *Location.* Parking spaces shall be located in a garage or on approved driveway surfaces which lead to a garage or a side yard. Vehicles shall not be parked on grass, dirt, in front yards, backyards, or in any other location which is not an approved parking space and which does not adhere to these standards.
- (5) *Enforcement.* Property owners are specifically advised that they, as well as their tenants, are responsible for enforcing these parking regulations and they are required to exercise effective control over their tenants and others visiting or using the property. The legal enforcement of these parking standards shall be the joint responsibility of the building official and the police department.
- ~~(6) *Time for compliance.* Any licensed rental property in existence at the time of adoption of this article which cannot readily provide parking spaces as required by subsections (1), (2) and (3) of this section may request permission from the building official for time to come into compliance with those subsections, which may be approved, in writing, for a period of time not to exceed one year from the date of adoption of this article. All properties which are subject to this section shall immediately comply with the other requirements of this section.~~
- ~~(7) *Variance.* A licensed rental property in existence at the time of adoption of this article which cannot feasibly provide parking spaces as required by subsection (1) of this section may request a variance from that subsection and the rental housing board of appeals may approve such a variance if it finds that strict enforcement of that subsection would cause an undue hardship because of circumstances unique to the individual property under consideration, which circumstances were not created by the current owner of the property, provided that the board of appeals may impose conditions in the granting of such a variance to protect neighboring properties and their occupants from the impact of such a variance.~~

(Ord. No. 883, 8-18-2008)

Sec. 14-124. - Occupancy.

~~No rental unit shall be occupied by more than the number of persons allowed by the zoning ordinance. If a property owner proposes to let a rental unit in an R-1 or R-2 district to a number of adult persons which is more than the number of unrelated adult persons allowed in an R-1 or R-2 district under the city's zoning ordinance, the burden shall be on the proposed occupants to prove that they are related by blood, marriage or adoption. The occupants shall provide such proof to the property owner as a condition of the rental and the property owner shall provide such proof to the city upon request. The city shall determine the reliability of such proof in its reasonable discretion and may require additional evidence to be submitted.~~

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-120~~5~~. - Conduct on licensed premises.

Formatted: Font: 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

DRAFT

- (a) *Disorderly conduct.* It shall be the responsibility of the rental license holder to take appropriate action to prevent conduct by occupants and their guests on licensed premises which is hereby deemed disorderly and which is in violation of any of the following statutes or ordinances:
- (1) Northfield Code, Chapter 50, Article IV, section 50-86, which prohibits disorderly conduct.
 - (2) Northfield Code, Chapter 50, Article IV, section 50-87, which prohibits noisy parties or assemblies.
 - (3) Minnesota Statutes §§ 609.75 through 609.76, which prohibit gambling.
 - (4) Minnesota Statutes §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto.
 - (5) Minnesota Statutes §§ 152.01 through 152.025, and 152.027, subs. 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
 - (6) Minnesota Statutes § 340A.401, which prohibits the unlawful sale of alcoholic beverages.
 - (7) Minnesota Statutes §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.
 - (8) Minnesota Statutes § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
 - (9) Minnesota Statutes §§ 609.185, 609.19, 609.195, 609.20, and 609.205, which prohibit murder and manslaughter.
 - (10) Minnesota Statutes §§ 609.221, 609.222, 609.223, and 609.2231, which prohibit assault.
 - (11) Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, and 609.3451, which prohibit criminal sexual conduct.
 - (12) Minnesota Statutes § 609.52, which prohibits theft.
 - (13) Minnesota Statutes §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632, which prohibit arson.
 - (14) Minnesota Statutes § 609.582, which prohibits burglary.
 - (15) Minnesota Statutes § 609.595, which prohibits damage to property.
 - (16) Minnesota Statutes §§ 97B.021, 609.66 through 609.67, and 624.712 through 624.716, which prohibit the unlawful possession, use, transportation or sale of a weapon.
 - (17) Minnesota Statutes § 340A.503, which prohibits underage drinking.
 - (18) Northfield Code, Chapter 50, Article IV, section 50-88, which prohibits hosting an event or gathering involving underage possession or consumption of alcohol.
- (b) *Enforcement of disorderly use violations.* A violation of any of the foregoing ordinances or statutes is established by a finding of guilt by a court of competent jurisdiction, even if there is a stay of adjudication or other post-conviction orders or proceedings. The building official shall notify the property owner when any such charges are brought against a tenant or guest unless prohibited from doing so by law.
- (1) *First violation.* Upon determination by the building official or a law enforcement officer that a disorderly use violation as enumerated above occurred on a rental property, the building official shall notify the owner of the rental property of the violation and direct the owner to take appropriate action to prevent further violations. All notices required by this section shall be in writing, delivered personally to the owner or sent by first class mail to the owner's last known address.
 - (2) *Second violation.* If a second disorderly use violation occurs on the rental property by the owner or the same three months of an incident for which notice was given under subsection (1), the building official shall notify the owner of the rental property by certified mail of the violation and

DRAFT

shall require the owner of the rental property to submit a written report of the actions taken, and proposed to be taken, to prevent further disorderly use of the premises. This written report shall be submitted to the building official within 14 days of the date of mailing of the certified letter.

- (3) *Third violation.* If a third disorderly use violation occurs on the rental property by the owner or the same occupant, or by a family member, roommate, or guest of the owner or occupant, within three months after the second previous instance of disorderly use, when notices were sent to the owner of the rental property pursuant to this section regarding the first and second instances, the rental license for the subject dwelling, dwelling unit or rooming unit ~~must~~ be suspended by the city council for an initial period up to 90 days.
- (4) *Subsequent violation.* If another disorderly use violation occurs on the rental property by the owner or the same occupant, or a family member, roommate, or guest of the owner or occupant, within 12 months after the end of a suspension period, the city council may suspend the rental license for up to an additional year. In lieu of suspension, the city council may impose a fine equivalent to the rent for the cumulative suspension periods under (3) and (4) of this section.
- (5) *Eviction or vacation.* It shall not be considered an instance of disorderly use if the tenant is evicted or voluntarily vacates the licensed premises prior to the hearing before the city council and within two full calendar months after the determination by the building official or law enforcement officer that disorderly use has occurred and notice of the determination has been sent to the licensee.

Sec. 14-121. – Retaliation prohibited.

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

~~that disorderly use has occurred and notice of the determination has been sent to the licensee.~~

~~(Ord. No. 883, 8-18-2008; Ord. No. 919, 6-21-2011)~~

DIVISION 4. – ENFORCEMENT Suspension or Revocation.

Sec. 14-126. – Unsafe or hazardous building.

~~Any rental property which is determined by the building official to be a hazardous building due to noncompliance with any of the standards of this article or with any other applicable law, code or regulation, may be dealt with either under the provisions of this division or under the provisions of Minnesota Statutes § 463.15, et seq. The building official may order the emergency securing of a building which presents an immediate danger to health or safety of persons in the community, as allowed by Minnesota Statutes § 463.251, subd. 4.~~

~~(Ord. No. 883, 8-18-2008)~~

~~Sec. 14-127. – Violations in general.~~

~~Any violation of this article or other applicable law, code or regulation by the owner or occupant of a rental property may be enforced through criminal sanctions, administrative penalties as provided in this article, suspension or revocation of the rental license, through a correction process as provided in this division, and by any other lawful means. All remedies are cumulative.~~

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-127. – Standard for suspension or revocation.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: p0

Formatted: p0

Formatted: Font: (Default) Arial

DRAFT

A rental housing license may be suspended or revoked by the City Council based on any serious or repeated violation of this article or other law, rule, or regulation related to use or maintenance of the property or as provided in Sec. 14-120.

Sec. 14-128. - Commencement of proceedings.

Formatted: Font: (Default) Arial, 10 pt

When the building-officialbuilding official has determined that a violation has occurredthe standard set forth in Sec. 14-127 has been met for suspension or revocation, the building official may commence proceedingsbring the matter to the City Council in order to commence proceedings to suspend or revoke the rental license, cause the repair, rehabilitation, vacation or demolition of the building, or to pursue any other remedy available at law. Such hearing may be held concurrently with an appeal of any violations of the property or nuisance code or any order of the building official regarding the same property.

(Ord. No. 883, 8-18-2008)

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-129. - Notice and order.

Except as otherwise provided by this article, property owners shall be given notice and an opportunity for a hearing at the City Council before a license may be suspended or revoked. A rental housing license may be suspended on an emergency basis, with such notice as may reasonably be given but without formal notice and hearing, if necessary to prevent imminent risk of serious harm to persons or property.

Before commencing proceedings at the City Council to suspend or revoke a rental license-or to cause the repair, rehabilitation, vacation or demolition of a building, the building official shall issue a notice and order directed to the owner of record of the building. The notice and order shall contain the following:

- (1) The street address and a legal description sufficient for identification of the rental property.
- (2) A statement that the building official has found aof the basis for the suspension or revocation of the rental license, violation of this article or other applicable law, code or regulation, with a brief and concise description of the conditions which constitute the violation.
- (3) A statement of the action taken or required to be taken as determined by the building official.
 - a. If the building official has determined that the building must be repaired, the order shall require that all required permits be secured and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - b. If the building official has determined that the building must be vacated, the order shall require that the building shall be vacated within a certain time from the date of the order as determined by the building official to be reasonable.
 - c. If the building official has determined that the building must be demolished, the order shall require that the building be vacated within such time as the building official shall determine reasonable (not to exceed 60 days from the date of the order), that all required permits be secured within 60 days from the date of the order, and that the demolition be completed within such time as the building official shall determine is reasonable.
 - d. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official: (i) will order the building vacated and posted to prevent further occupancy until the work is completed; and (ii) may proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.

Formatted: list1

DRAFT

~~e.— If the building official has determined that the rental license should be suspended or revoked, the order shall state the reasons for such suspension or revocation and the conditions on which the license may be reinstated, if any.~~

~~(3) f.— Statements advising: (i) that any person having any record title or legal interest in the building may appeal to the rental housing board of appeals from the notice and order or any action of the building official, provided the appeal is made in writing as provided in this article and filed with the city clerk within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and will result in the order or other action of the building official being a final determination of the matter. The time and place of the City Council meeting at which the suspension or revocation will be considered.~~

~~(4) A statement advising the recipient that a failure to appear at the City Council meeting and respond will constitute a waiver of the right to respond to proposed suspension or revocation and any action taken by the City Council will be final.~~

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-130. - Service of notice ~~and order~~.

The notice ~~and order~~ shall be served upon the owner of record and posted on the property, and one copy thereof shall be served on each of the following if disclosed from the tax rolls of the county or otherwise known to the building official: the holder of any mortgage or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this article.

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-131. - Method of service.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last tax roll of the county or as otherwise known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing, whether or not a return receipt is received.

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-132. - Proof of service.

Proof of service of the notice and order shall be certified to at the time of service by a notarized statement executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-133. – Order to vacate.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

DRAFT

If the City Council revokes a rental license, the City Council must order the vacation of the property within seven days, unless a shorter period is required to protect the life and safety of the occupants or a longer period is required up to 30 days. The City Council order shall state the time by which the property must be vacated and such order shall be served on all parties listed in Sec. 14-130 and posted at or upon each entrance to the building within 24 hours of the City Council action approving the order.

Sec. 14-134~~3~~. - Notice to vacate.

Formatted: Font: (Default) Arial, 10 pt

A notice to vacate ~~Every notice to vacate~~ shall, in addition to being served, be posted at or upon each entrance to the building on the date the building vacation is ordered, and shall be in substantially the following form:

DO NOT ENTER
UNSAFE OR ILLEGAL TO OCCUPY
It is a misdemeanor to occupy this building
or to remove or deface this notice.
Inspection Division
City of Northfield

~~(Ord. No. 883, 8-18-2008)~~

Formatted: Font: (Default) Arial, 10 pt

Sec. 14-134. - Compliance with notice to vacate.

Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued at the commencement of proceedings under this division, and shall recite the emergency or conditions that necessitate vacation. No person shall remain in or enter any building that has been so posted, except that entry may be made to repair, demolish, or remove such building if allowed by any required permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the building code, or other corrective action has been taken as required by the building official. Any person violating this section shall be guilty of a misdemeanor.

~~(Ord. No. 883, 8-18-2008)~~

Formatted: Font: (Default) Arial, 10 pt

~~Sec. 14-135. - Rental housing board of appeals.~~

~~(a) - Established. A rental housing board of appeals is established.~~

~~(b) - Members; appointment; terms; vacancies.~~

~~(1) - The board shall consist of five members.~~

~~(2) - Members shall be appointed by the mayor with approval of the council, each for a three-year term. Regular terms shall commence on January 1. Members who serve three consecutive terms, not including a partial term due to appointment to fill a vacancy, shall be ineligible for reappointment for one year following the completion of their third term.~~

~~(3) - Vacancies shall be filled by appointment by the mayor with approval of the council to fill any portion of an unexpired term.~~

~~(4) - Members shall continue on the board until a successor is appointed. A member may be appointed to succeed him or herself.~~

~~(5) - The fire chief and other city staff as needed shall serve in an advisory capacity to the board.~~

~~(c) - Officers. At the first meeting of each calendar year, members of the board shall select a chair, vice chair, and secretary, each to serve throughout the year and until a successor is chosen.~~

DRAFT

- (d) ~~Meetings.~~ The board shall hold an annual meeting in January each year, at which it shall select officers and review its obligations under this section. Otherwise, the board shall meet specially upon the call of the chair. Any three members may also call a special meeting. Written notice of all meetings shall be given to the members by the secretary, setting forth the purpose of the meeting. All meetings shall be properly noticed and open to the public unless otherwise provided by state law.
- (e) ~~Quorum; voting.~~ A majority of all members of the board shall constitute a quorum to conduct business, but less than a quorum may adjourn from time to time. Any decision of the board which reverses or modifies a decision of the building official shall require a vote of two thirds of all members of the board.
- (f) ~~Responsibilities; procedures.~~ The board shall hear appeals from any order, requirements, decision or determination made by the building official in the administration of this article. The board shall follow the appeals procedures set forth in this article, provided that the board may establish its own procedures and policies so long as they are not inconsistent with any provision of state or local law. The board shall also hear petitions for variances as allowed by section 14-123(7) of this article.

(Ord. No. 883, 8-18-2008; Ord. No. 889, 1-5-2009; Ord. No. 943, 2-19-2013)

Sec. 14-136. Appeal.

- (a) ~~Form of appeal.~~ Any person may appeal from any notice and order or any action of the building official under this article by filing at the office of the building official a written appeal containing the following:
 - (1) A heading in the words: "Appeal to the Rental Housing Board of Appeals."
 - (2) A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
 - (3) A brief statement setting forth the legal interest of each of the appellants in the property involved in the notice and order.
 - (4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 - (5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
 - (6) The signatures of all parties named as appellants and their official mailing addresses.
 - (7) The appeal shall be filed within 30 days from the date of service of such order or action of the building official, provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of any person or adjacent property and it is ordered vacated and is posted, such appeal shall be filed within ten days from the date of service of the notice and order of the building official.
- (b) ~~Payment of fee; processing of appeal.~~ At the same time as an appeal is filed as provided in this section, the appellant shall pay a fee for the processing of such appeal, in the amount which shall be established by the city council by resolution from time to time. Upon receipt of such appeal and the payment of such fee, the building official shall forward the appeal to the rental housing board of appeals and initiate the scheduling and noticing of the hearing of the appeal.
- (c) ~~Scheduling and noticing hearing of appeal.~~ As soon as practical after receiving the written appeal, the date, time and place for the hearing of the appeal shall be set. Such date shall be not less than ten days nor more than 45 days from the date the appeal was filed with the building official unless otherwise agreed by all parties. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the city clerk, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof by first class mail, postage prepaid, addressed to the appellant at the address shown on the appeal.
- (d) ~~Form of notice of hearing.~~ The notice to appellant shall be substantially in the following form, but may include other information:

DRAFT

You are hereby notified that a hearing will be held before the Northfield Rental Housing Board of Appeals on _____, _____, 20____, at _____ p.m., or as soon thereafter as the matter may be heard, upon your appeal from the notice and order served upon you. You may be, but need not be, represented by counsel. You may present any information which is relevant to your appeal.

- (e) ~~Effect of failure to appeal.~~ Failure of any person to file an appeal as provided in this section shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
- (f) ~~Scope of hearing on appeal.~~ Only those matters or issues specifically raised in the written appeal shall be considered in the hearing of the appeal.
- (g) ~~Reasonable dispatch and continuances.~~ The rental housing board of appeals shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives. The rental housing board of appeals may grant continuances for good cause shown.
- (h) ~~Record.~~ A record of the entire proceedings shall be made by tape recording or audio-video recording, or by any other means of permanent recording determined to be appropriate by the rental housing board of appeals with the concurrence of the city council.
- (i) ~~Form of decision and effective date.~~ The decision of the rental housing board of appeals shall be in writing and shall contain findings of fact, a determination of the issues presented and the requirements to be complied with. A copy of the decision shall be delivered to the appellant(s) personally or sent by certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated.

(Ord. No. 883, 8-18-2008)

Sec. 14-137. - Enforcement of order of building official or rental housing board of appeals.

- (a) ~~General.~~ After any order of the building official or the rental housing board of appeals made pursuant to this article becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any person who fails to comply with any such order is guilty of a misdemeanor.
- (b) ~~Failure to obey order.~~ If, after any order of the building official or rental housing board of appeals made pursuant to this article has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may: (i) cause such person to be prosecuted for the criminal offense, (ii) institute any appropriate action to abate such building as a public nuisance, and/or (iii) take any other action and pursue any other remedy provided by this article or other applicable law or regulation.
- (c) ~~Failure to commence work.~~ Whenever any required repair or demolition is not commenced within the time required, or, if no different time is stated, within 30 days after any final notice and order issued under this article becomes effective:
 - (1) ~~The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice in form as shown in section 14-134 of this article.~~
 - (2) ~~No person shall occupy any building that has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removals ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the current building code.~~
 - (3) ~~The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished; or, to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided. Any surplus realized from the sale of any such building, or~~

Formatted: Highlight

DRAFT

from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

- (c) ~~Extension of time to perform work.~~ Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 90 days, within which to complete such repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life, limb or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal the notice and order.
- (d) ~~Interference with repair or demolition work prohibited.~~ No person shall obstruct, impede or interfere with any person who is engaged in the work of repairing, vacating and repairing, or demolishing any building that has been ordered repaired, vacated or demolished under the provisions of this article.

~~(Ord. No. 883, 8-18-2008)~~

Sec. 14-138. - Recovery of costs.

- (a) *Costs incurred by city.* The costs of such work, including the costs of administration, enforcement, and other related costs, including attorneys fees related to enforcement of this article, shall be paid from a repair and demolition fund or other available funds of the city, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, as the city council shall determine is appropriate.
- (b) *Account of expense; filing of report.* The building official shall keep an itemized account of the expenses incurred by the city in the repair or demolition of any building under this article. Upon the completion of the work of repair or demolition, the building official shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building is or was located, and the names and addresses of the persons entitled to notice.
- (c) *Personal obligation.* The city council may order that the charge shall be made a personal obligation of the property owner or assess the charge against the property involved. If the city council orders that the charge shall be a personal obligation of the property owner, it shall direct the city attorney to collect the same on behalf of the city by use of all appropriate legal remedies.
- (d) *Special assessment.* If the city council orders that the charge shall be assessed against the property, it shall be levied and collected as a special assessment in the manner provided by Minnesota Statutes §§ 429.061 to 429.081. Prior to submission of the assessment to the county, the city council shall, on the date the assessment is adopted, add an administrative fee of up to 15 percent (depending on the amount of administrative and related expense otherwise included in the amount of the special assessment itself) of the amount then due. The assessment shall be payable in a single installment.
- (e) *Repayment of funds.* All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the repair and demolition fund or other fund from which the costs were drawn.

~~(Ord. No. 883, 8-18-2008)~~

DIVISION 5. - ADMINISTRATIVE PENALTIES

~~Sec. 14-139. - Administrative citations and civil penalties.~~

~~(a) Purpose. The city council finds that there is a need for alternative methods of enforcing the rental housing ordinance. While criminal fines and penalties have been the most frequent enforcement~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

Formatted: Normal

DRAFT

mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in the criminal justice system does not ensure prompt resolution of problems which affect the public interest. Individuals may resent being labeled as criminals for violation of administrative regulations. The higher burden of proof and the potential of being incarcerated do not appear appropriate for many administrative violations. The court system does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for violation of this article.

(b) — *General provisions.*

(1) — A violation of any provision of this article is an administrative offense which shall be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

(2) — An administrative offense shall be subject to a civil penalty not exceeding \$2,000.00.

(3) — The city council shall adopt by resolution a schedule of penalties for offenses initiated by administrative citation. The city council may also adopt a schedule of fees and expenses to be paid to administrative hearing officers.

(4) — The city administrator or his/her designee shall adopt procedures for administering the administrative citation program.

(c) — *Administrative citations.*

(1) — Any person authorized to enforce the provisions of this article may issue an administrative citation upon belief that a violation has occurred. The citation shall be issued in person or by first class mail to the owner of the rental property, or the owner's agent if known, and to any other person known to be responsible for the violation. In the case of a violation involving a motor vehicle, a copy of the citation shall also be attached to the motor vehicle. The citation shall state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled penalty, and the manner for paying the penalty or appealing the citation.

(2) — The person responsible for the violation must either pay the scheduled penalty or request a hearing within seven days after issuance of the citation. Payment of the penalty constitutes admission of the violation. A late payment fee of ten percent of any scheduled penalty amount shall be imposed.

(d) — *Administrative hearing.*

(1) — *Hearing officers.* The city council shall periodically approve a list of lawyers from which the city clerk shall randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The clerk shall notify the accused of the selection of the hearing officer. The accused shall have the right to request, no later than five business days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for removal in each case will be granted automatically by the city clerk. A subsequent request must be directed to the assigned hearing officer who shall decide whether he or she cannot fairly and objectively review the case and in that case the officer shall remove himself or herself from the case and the city clerk shall assign another hearing officer. The hearing officer is not a judicial officer but is a public officer as defined by Minn. Stat. § 609.415. The hearing officer shall not be a city employee or city official. The city administrator shall create procedures for evaluating the competency of the hearing officers, including comments from accused persons and city staff. The city

DRAFT

administrator shall report to the city council regarding such evaluations at the request of the council, and the council may revise the list of approved officers at any time.

(2) *Subpoena.* Upon the hearing officer's own initiative or upon written request of an interested party demonstrating the need, the officer may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents which are material to the matter being heard. The party requesting the subpoena (or the city, if issued on the hearing officer's own initiative) is responsible for serving the subpoena in the manner provided for civil actions and for paying the fees and expenses of a witness. A person served with a subpoena may file an objection with the hearing officer promptly but no later than the time specified in the subpoena for compliance. The officer may cancel or modify the subpoena if it is unreasonable or oppressive. A person who, without just cause, fails or refuses to attend and testify or to produce the required documents in obedience to a subpoena is guilty of a misdemeanor. Alternatively, the party requesting the subpoena may seek an order from the district court directing compliance. If the accused fails or refuses to comply with a subpoena, the facts sought to be proved through compliance with the subpoena may be found by the hearing officer to have been admitted.

(3) *Notice and hearing.* Notice of the hearing shall be served in person or by mail on the person(s) responsible for the violation at least ten days in advance of the hearing, unless a shorter time is accepted by all parties. At the hearing, the parties shall have the opportunity to present testimony and question any witnesses, but strict rules of evidence shall not apply. The hearing officer shall tape record the hearing, receive testimony and exhibits, and provide the record of the proceeding and any exhibits to the city with the officer's decision. The officer shall receive and give weight to evidence admitted, including hearsay evidence which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

(4) *Decision.* The hearing officer has the authority to determine that a violation occurred; to impose the scheduled penalty; to reduce, stay, or waive a scheduled penalty either unconditionally or upon compliance with appropriate conditions; and to dismiss a citation. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:

- a. The duration of the violation;
- b. The frequency or reoccurrence of the violation;
- c. The seriousness of the violation;
- d. The history of the violation;
- e. The violator's conduct after issuance of the citation or notice of hearing;
- f. The good faith effort by the violator to comply;
- g. The economic impact of the penalty on the violator;
- h. The impact of the violation on the community; and
- i. Any other factors appropriate to a just result.

The hearing officer may exercise discretion to impose a penalty for more than one day of a continuing violation, but only upon a finding that (i) the violation caused a serious threat of harm to or impact on the public health, safety, or welfare, or that (ii) the accused intentionally and unreasonably refused to comply

DRAFT

~~with the requirements of this article. The hearing officer's decision and supporting reasons shall be in writing, served personally or by registered mail to the last known address of the person served. Service by registered mail shall be complete upon mailing.~~

~~(5) — *Failure to attend.* A failure to attend the hearing constitutes a waiver of the accused's right to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of good cause are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. Good cause does not include forgetfulness, mistake, or intentional delay.~~

~~(e) — *Administrative review.* The accused may request review of the decision of a hearing officer by the rental housing board of appeals by filing a written request for such review with the city clerk within five days of service of the written decision of the hearing officer. The rental housing board of appeals shall consider the record in its entirety and shall either uphold, overturn or modify the decision of the hearing officer. The board's decision shall be in writing. If review by the rental housing board of appeals is not requested in a timely manner, the decision of the hearing officer shall be final. Otherwise the decision of the board shall be final.~~

~~(f) — *Judicial review.* An aggrieved party may obtain judicial review of the decision of the hearing officer or of the city council by petition to the district court.~~

~~(g) — *Recovery of civil penalties.*~~

~~(1) — If a civil penalty is not paid within the time specified, it shall constitute:~~

~~a. — A lien against the real property upon which the violation occurred if the property or improvements on or use of the property was the subject of the violation and the property owner was found to be responsible for the violation, which shall be specified in the written decision of the hearing officer; or~~

~~b. — A personal obligation of the violator in all other situations.~~

~~(2) — A lien as provided in this section may be assessed against the real property and certified to the county auditor for collection with real estate taxes.~~

~~(3) — A personal obligation may be collected by any available legal means.~~

~~(4) — A late payment fee of ten percent of the penalty may be assessed for each 30-day period, or part thereof, during which the penalty remains unpaid after the due date.~~

~~(5) — During the time that a civil penalty remains unpaid, the city shall not grant or renew any license, permit, or other city approval sought by the violator or related to the property involved in the violation.~~

~~(6) — Failure to pay a penalty shall be grounds for suspending or revoking a license, permit or other approval related to the violation.~~

~~(Ord. No. 883, 8-18-2008)~~

~~Sec. 14-140. — Reserved.~~