

AMENDED ORDINANCE NUMBER 41

CITY OF LE CENTER
LE SUEUR COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 41 OF THE CITY OF LE
CENTER'S HOUSING AND RENTAL PROPERTY CODE.

The City Council for the City of Le Center, Le Sueur County, Minnesota, does hereby Ordain as follows:

1. That in an effort to combat the issue of blight and nuisance properties in the City of Le Center the City Council does hereby and herein pass this Amended Ordinance calling for the licensing, inspection, and regulation of rental properties in the City of Le Center.
2. That the City Council did, as a part of a moratorium and study process, establish a Rental Housing Rental Committee which was charged with discussing rental property issues, regulation, and density in the City of Le Center. The City Council, and the Rental Housing Committee, is concerned with the large number of rental properties in residential districts, however, at this time, the City Council, based upon the recommendation of the Rental Housing Committee, has agreed to pass this Amended Ordinance with the hope that additional regulation of rental properties is not necessary. The City Council is aware that other cities do place caps, or limits, on the number of rental licenses that are issued in residential districts, and the City Council reserves the right to do so in the event that additional regulation of rental properties in the City of Le Center is needed.
3. Now, therefore, Chapter 41 of the City of Le Center Code of Ordinances shall be Amended herein to provide for the following:

LE CENTER HOUSING & RENTAL PROPERTY CODE

Article I. In General

- Sec. 41-1. Purpose.
- Sec. 41-2. Objectives.
- Sec. 41-3. Discrimination and Private Contracts.
- Sec. 41-4. Definitions.
- Sec. 41-5. Responsibility of Owners.
- Sec. 41-6. Joint Responsibility of Occupants and Owners.
- Sec. 41-7---41-40 Reserved.

Article II. Minimum Standards

- Sec. 41-41. Exterior Standards.
- Sec. 41-42. Minimum Plumbing Standards.
- Sec. 41-43. Minimum Electrical Standards.
- Sec. 41-44. Minimum Heating Standards.
- Sec. 41-45. Minimum Water Heating Standards.
- Sec. 41-46. Minimum Natural Light and Ventilation Standards.
- Sec. 41-47. Minimum Structural Standards.
- Sec. 41-48. Minimum Interior Standards.
- Sec. 41-49. Minimum Standards for Rodent Control.
- Sec. 41-50. Minimum Energy Standards.
- Sec. 41-50----41-80 Reserved.

Article III. Administration and Enforcement

- Sec. 41-81. Occupancy Standards.
- Sec. 41-82. Conduct on Licensed Premises.
- Sec. 41-83. Licensing of Rental Units.
- Sec. 41-84. Compliance Order.
- Sec. 41-85. License Suspension or Revocation.
- Sec. 41-86. Right of Appeal.
- Sec. 41-87. No Warranty by City.
- Sec. 41-88. Penalties.
- Sec. 41-89. Separability.

Article I. In General

Sec. 41-1. Purpose

The purpose of the Housing and Rental Property Code is to establish minimum standards, procedures, and enforcement for the protection of life, limb, health, property, safety, and welfare of the landowner, occupant, and general public.

Sec. 42-2. Objectives

The objectives of the Code include, but are not limited to, the following:

- a) Protection and preservation of the stability and residential character of residential areas of the City.
- b) The prevention and correction of housing conditions that adversely affect the life, safety, health, and general well being of persons occupying dwellings in the City.

- c) The prevention of the emergence of blighted and deteriorating housing in the City.
- d) The prevention of overcrowding of rental dwellings.
- e) The preservation of the value of land and buildings in the city.

Sec. 42-3. Discrimination and Private Contracts

This Ordinance shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, this Ordinance is not intended to interfere with the personal privacy or with private legal rights and liabilities, including without limitation landlord/tenant relationship. Enacting and enforcing this ordinance, the City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premise in the City to the provisions of this Ordinance.

Sec. 42-4. Definitions

a) Dwelling – a building or a portion of a building designed for residential occupancy. The term includes single family, two family, and multiple family dwellings. Whenever the word “dwelling” is used in this ordinance, it shall be construed as though the words “or any part thereof” followed it.

1) Single family = A dwelling designed exclusively for occupancy by one family. Manufactured homes (mobile homes) used as rentals are considered a single family unit.

2) Two family = A dwelling designed exclusively for occupancy by two families living independently of each other.

3) Multiple family = A dwelling or portion thereof containing three or more dwelling units.

b) Dwelling unit – One or more rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly or longer basis. Each dwelling unit shall be physically separated and containing independent cooking, toilets, and sleeping facilities. Whenever the term “dwelling unit” is used in this Ordinance, it shall be construed as though the words “or any part thereof” followed it.

c) Rooming unit – Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

d) Owner, owner-operator, and manager – Any person, firm, or corporation who has actual possession of the dwelling unit; or in charge of the care or control of the dwelling unit.

e) Bedroom – A room within a dwelling unit that is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen, dining, and bathroom areas.

f) Family – An individual or two (2) or more persons related by blood, marriage, or adoption, including foster children. More than four (4) unrelated persons living in a dwelling unit shall not constitute a family.

g) Occupant – Any person (including owner or manager) living, sleeping, cooking, and/or eating in a dwelling unit.

h) Nuisance – for the purpose of this Ordinance, a nuisance shall be any of the following:

1) Any public nuisance known as common law or inequality jurisprudence, or recognized by Minnesota Statutes or local ordinances.

2) Any public nuisance which may prove detrimental to children whether in a building, on the premise of a building, or upon an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and other appliances; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, fences or debris which may become a hazard for inquisitive minors.

3) Overcrowding a room with occupants.

4) Insufficient ventilation or illumination.

5) Inadequate or unsanitary sewage or plumbing facilities.

6) Unclean areas.

7) Any situation or activity that renders air, food, or drink unwholesome or detrimental to the health of human beings.

8) Any other activity or situation that is dangerous to human life, detrimental to health, or illegal.

i) Inspect on complaint – an inspection initiated by a complaint filed by the owner, tenant, neighbor, concerned individual, or the City.

j) Housing official – designated authority charged with the administration and enforcement of this code.

Sec. 41-5. Responsibility of Owners

The owner of a dwelling or dwelling units shall be responsible for the maintenance of the structure and for meeting the Minimum Standards of this Ordinance. Those responsibilities may not be abrogated by a private agreement. In a contract for deed setting, the owner shall be the person or persons deemed as the Vendee (proposed purchaser or buyer) as well as the Vendor (proposed seller).

Sec 41-6. Joint Responsibilities of Occupants and Owners

a) No owner, agent, or other occupant of any dwelling unit shall allow the accumulation or formation of dirt, filth, refuse, or rodent harborage on the premises which he/she occupies or controls in a manner that could create a health hazard to the dwelling occupants or the general public.

b) Nuisances – No owner, manager, or occupant of any dwelling unit shall allow the formation or presence of any nuisances (as defined) in or about the premise he/she occupies or controls.

Sec. 41-7----41-40. Reserved

Article II. Minimum Standards

Sec. 41-41 Exterior Standards

a) The foundation exterior walls and exterior roof shall be water tight, rodent proof, and maintained in good condition. Every window, exterior door, and hatchway shall be substantially tight and maintained in good condition. The foundation shall adequately support the building at all points. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears, or breaks or from deteriorated plaster, stucco, brick, wood, or other material that is extensive and gives evidence of long neglect. The protective surface on exterior walls of a building above ground level shall be maintained in good condition, so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:

1. The protective surface is paint, which is blistered to an extent of more than twenty-five (25) percent of the area of any plane, wall, or other area including window trim, cornice members, porch railing, and other such areas.

2. More than ten (10) percent of the pointing of any chimney or twenty-five (25) percent of the pointing of any brick or stone wall is loose or has fallen out of place.
3. More than twenty-five (25) percent of the finish coat of a stucco wall is worn through or chipped away.
4. Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety. If a weather resistant surface such as brick, plaster, or metal is covered with paint that is more than twenty-five (25) percent blistered, it shall be repaired unless the defective paint covering is removed in its entirety.

(b) Accessory structure Maintenance

- 1) Accessory structure supplied by the owner, operator, or occupant on the premises of a dwelling shall be structurally sound, and maintained in good condition. Exterior walls, foundations, roofs, and exits of an accessory structure shall be maintained in accordance with the standards set forth for in subdivision 1a.

(c) Fence Maintenance

- 1) Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. If twenty-five (25) percent or more of the painted surface of a fence is determined by the Housing Official to be paint blistered, the surface shall be properly scraped and repainted.

(d) Retaining Walls

- 1) Retaining walls shall be kept in good condition, repair, and appearance. A retaining wall shall be deemed out of repair when it has substantially shifted or slumped out of its original design position or if portions of the retaining wall are missing.

(e) Yard Cover

- 1) All exposed areas surrounding (or within) a principle or accessory use, including street boulevards which are not devoted to parking, drives, sidewalks, patios, or other such uses, shall be landscaped with grass, shrubs, trees, or other ornamented landscape material and shall be maintained to prevent erosion from wind and/or water runoff. Such shall be maintained in good condition and free of noxious weeds. Grass and weeds may not exceed six (6) inches in height at any time. Vehicles are not to be allowed to park on any of the yard area.

(f) Gutters and Downspouts

1) Existing gutters, leaders, and downspouts shall be maintained in good working condition as to provide proper drainage of storm water. In no case shall storm water be channeled into sanitary sewer system. Neither shall storm water, ice, or snow be directed into, or channeled across walkways or streets where it is likely to be a hazard to life or health.

(g) Exterior Lighting

1) For multiple family dwellings, all exterior parking areas shall be provided with an average, maintained, horizontal illumination of six-tenths (0.6) foot candles. Parking lot illumination shall not be directed onto a public street or adjoining property.

(h) Snow and Ice removal

1) The owner of a dwelling shall be responsible for cleaning and maintaining all walks, drives, and parking areas, and kept free of any ice or any snow accumulations of two (2) or more inches within twenty-four (24) hours of the storm's completion.

(i) Driving, Parking, and Storage Areas

1) The owner of a multiple family dwelling shall be responsible for providing and maintaining paved and delineated parking areas and driveways for occupants. The owner shall also provide parking for dwelling units fully consistent with the parking regulations as set forth in the City's Zoning Ordinances and as those ordinances may be amended from time to time.

2) Parking spaces, areas and driveways on the property must be improved with an impervious, all-weather surface. For the purposes of this Ordinance, a gravel surface is considered one-hundred percent (100%) impervious. Permits are required for new impervious surfaces as to comply with the Le Center zoning regulations on maximum allowable impervious surface on a lot. Under no circumstance shall a vehicle be parked on the lawn or grass area of a property.

3) All rentals must have sufficient exterior storage available for tenants. All newly licensed rental dwelling units shall have an enclosed garage and one on-site accessory storage structure available for tenants fully consistent and fully compliant with this Ordinance and the City's Zoning Ordinances as those ordinances may be amended from time to time.

(j) Facilities for Storage and Disposal of Refuse

1) Every owner of a residential property shall be responsible for providing and maintaining facilities for the storage and disposal of refuse and for arranging regular collection of this material.

(k) Grading and Drainage

1) Every yard, court, or passage on the premises on which a dwelling stands must be maintained in a manner to prevent the excessive accumulation of standing water which constitutes a detriment to the health and safety of the occupants or the general public.

Sec. 41-42. Minimum Plumbing Standards

a) All plumbing in every dwelling unit and all shared or public areas shall be properly installed and maintained in a sanitary, safe, and functioning condition. All plumbing shall be fit for its intended use.

b) Every fixture, facility, or piece of equipment requiring a sewer connection shall have a functioning connection, free from defects, leaks, or obstructions. Each sewer connection shall possess sufficient capacity to drain all other fixture, facilities, or pieces of equipment which feed into it. The sewer system must be capable of conveying all sewage into the municipal sanitary sewer system.

c) Every fixture, facility, or piece of equipment requiring a water connection shall have a functioning connection, free from defects, leaks, or obstructions and be fit for its intended use. Each water connection shall possess sufficient capacity to adequately supply all fixtures, facilities, or piece of equipment to which it is connected with an uncontaminated, controllable flow of water.

Sec. 41-43 Minimum Electrical Standards

a) Every dwelling unit and all public areas shall be supplied with electric service, functioning over-current protection devices, electric outlets, and electric fixtures that are properly installed and maintained in a safe working condition and fit for its intended use. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

b) Dwellings containing one or two dwelling units shall have at least the equivalent of sixty (60) ampere, electric service per unit.

c) Dwelling units shall have at least one fifteen (15) ampere branch electric circuit for each six hundred (600) square feet of dwelling unit floor area.

d) Every habitable room shall have at least one floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof the total floor area, and in no case less than two (2) such electric outlets. Temporary wiring, extension cords, or drop cords shall not be used as permanent wiring. In cases where more than two (2)

outlets are required, one ceiling or wall-type light fixture maybe substituted for one required outlet.

e) Every water closet compartment, bathroom, kitchen, laundry, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture. Every bathroom and laundry room shall contain at least one convenience outlet.

f) Every public hall and stairway in every multiple family dwelling shall be adequately lighted by natural or electric light at all times. Public halls and stairways of multiple dwellings containing less than two (2) dwelling units may have switches located at all entrances to control the lighting.

g) A convenient switch controlling the light shall be located at all points of entry for all dwellings.

h) Approved weather proof exterior electrical outlets shall be provided. No electrical drop cords, extension cords, or electrical wires shall extend across a walkway or driveway, or otherwise create a hazard to pedestrians or vehicles.

Sec. 41-44. Minimum Heating Standards

a) All dwellings shall have primary heating facilities that are properly installed and maintained in a safe, efficient working condition and fit for its intended use. The heating facilities shall be capable of maintaining an indoor temperature of sixty-eight (68) degrees Fahrenheit as specified in the state building code.

b) Gas or electric appliances designed specifically for cooking or water heating purposes, and portable heating equipment are not considered primary heating facilities within this section.

c) No owner or occupant shall install, operate, or use a heater employing a flame that is not installed and maintained in accordance with manufacturer's specifications and applicable State Codes.

d) Whenever the occupant lacks direct control over the primary heating facility to his/her dwelling unit, it shall be the responsibility of the owner to maintain minimum heating standards as described in this section.

Sec. 41-45. Minimum Water Heating Standards

Every dwelling unit shall have supplied water heating facilities that are properly installed and maintained and fit for its intended use. The water heating facilities shall be capable of maintaining a water temperature of one hundred and ten (110) degrees Fahrenheit at anytime needed.

Sec. 41-46. Minimum Natural Light and Ventilation Standards

Every habitable room shall have window area of no less than eight (8) percent of the floor area and at least one (1) window facing directly outdoors that can be easily opened. At minimum, the total open-able window area of every habitable room shall be four (4) percent of the floor area of the room and in no case less than four (4) square feet. In lieu of natural ventilation, a mechanical venting system maybe provided which is capable of providing two air changes an hour, with twenty (20) percent of the air supply being taken of outdoors. All non-habitable rooms (bathroom, water closet compartment, laundry, and utility room) shall have at least fifty (50) percent of the open-able window requirement, otherwise appropriate for the floor area. No windows are required in the non-habitat rooms if the rooms are vented by a mechanical ventilation system that is effective. All windows shall be in good working condition free from any cracks or breaks and fit for its intended use.

Sec. 41-47. Minimum Structural Standards

a) Floors, Interior Walls, and Ceilings: Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin, rodents, and insects. Every floor shall be free of holes, cracks greater than one (1) inch wide, lose, warped, protruding, or rotten flooring materials and all floor covering shall be maintained in good condition. Every interior wall and ceiling shall be free of holes, cracks, loose plaster, and blistered paint and shall be maintained in good condition. Lead based paints classified toxic to children shall not be used on the walls or molding of surfaces. Every toilet room, bathroom, and kitchen floor surface shall be maintained in good condition.

b) Stairways, Porches, and Balconies: Every stairway, inside or outside of a dwelling, and every porch or balcony, shall be kept in safe condition and in good maintenance. Every stairwell and flight of stairs shall be free of any structural deterioration. Every stairwell or flight of stairs containing more than three (3) steps shall have at least one handrail approximately thirty to thirty-eight (30-38) inches high, measuring vertically from the nose of the stair tread to the top of the handrail. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than thirty (30) inches above grade or floor below, and roofs used other than service of the building shall be protected by a guardrail. Guardrails shall be not less than thirty-six (36) inches in height. Open guardrails and open stair railing on unenclosed stairways shall have intermediate rails that do not allow a sphere four (4) inches in diameter to pass through. Every handrail and balustrade shall be firmly fastened and maintained in good condition. A flight of stairs that has settled out of its intended position, or pulled away from the supporting or adjacent structures enough to cause a hazard, must be repaired. No flight of stairs shall have rotten, loose, or deteriorating supports. Excluding spiral and winding stairways, the treads and risers of every flight of stairs shall be uniform in width and height. Stairways shall be capable of supporting loads that normal use may cause to be placed thereon. The minimum dimensions that will be accepted for existing stairways are as follows: rise not to exceed eight (8) inches in height, run of treads to be not less than nine (9) inches in depth.

c) Windows, Doors, and Screens: Every window, exterior door, and hatchway shall be substantially tight and shall be kept in good condition and fit for its intended use. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, or other device with opening to outdoor space, which is used or intended to be used for ventilation shall be supplied with sixteen (16) mesh screens. All windows on basement or first levels shall have proper locking devices to prevent opening from the outside. All doors and window frames shall be free of blistered paint and shall be maintained in good condition. All door and window hardware and locks shall be functional and maintained in good condition. All windows shall be fit for its intended use and be free of any cracks or breaks in them.

d) Safe Building Elements: Every roof, floor, porch, balcony, stairway, and every appurtenance thereto, shall be safe to use and capable of supporting loads that normal use may cause to be placed thereon.

e) Access to Dwelling: Access to and egress from each dwelling shall be provided by at least one doorway that is a minimum of thirty-six (36) inches wide and eighty (80) inches high.

f) Minimum Ceiling Height: The ceiling height of any habitable room shall be at least seven (7) feet; except that in any habitable room under a sloping ceiling, at least one-half (1/2) of the floor area shall have ceiling height of at least seven (7) feet, the floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the total floor area.

g) Rooms Below Grade: A room located partly or wholly below grade may be used as a habitable room of a dwelling unit provided all of the requirements of this ordinance is met. If a room below grade is used for sleeping purposes, an emergency escape or egress must be provided. Acceptable means of egress include:

1) Escape or rescue window with a minimum net clear open-able area of 5.7 square feet. The minimum net clear open-able height dimension shall be twenty-four (24) inches. The minimum net clear open-able width dimension shall be twenty (20) inches. The finished sill height shall not exceed forty-four (44) inches above the floor.

2) Exterior-type door or hatch shall meet the same minimum requirements as specified above.

h) Doors, Locks, and Security: all doors leading to public or shared areas from all dwelling units shall be provided with a single cylinder deadbolt lock, which must be capable of being locked from the interior and exterior of the said unit. For purpose of this section, a "deadbolt lock" is a locking bolt, which, when in the locking position, can only be moved positively by turning a knob or key. Deadbolt locks having a bolt moved by turning a key shall be of the five-pin tumbler type or an approved equivalent. Lock throw shall be not less than three-quarter (3/4) of an inch. All locks shall be in good functioning condition and fit for its intended use.

Sec. 41-48. Minimum Interior Standards

a) **Kitchen Facilities:** Every kitchen in every dwelling unit shall include the following:

1. A kitchen sink in good working condition and properly connected to an approved water supply system. It shall provide at all times an adequate amount of heated and unheated running water pressure and be connected to an approved sewer system.
2. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinet and/or shelves and counter or table shall be structurally sound and furnished with surfaces that are easily cleaned.
3. A stove and a refrigerator which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided that such stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator, or similar devices must be provided. Stoves and refrigerators shall be in good working order and fit for their intended uses.

b) **Toilet Facilities:** Within every dwelling unit, there shall be a non-habitable room with an entrance door that provides privacy to a person in the said room. The room shall have a flush water closet in good working condition fit for its intended use. The flush water closet shall be equipped with easily cleanable surfaces. It shall be connected to an approved water system and sewer system.

c) **Lavatory Sink:** Within every dwelling unit, there shall be a lavatory sink. It may be located in the same room as the flush water closet, or located in another room. The lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to an approved water and sewer system.

d) **Bathtub or shower:** Within every dwelling unit, there shall be a non-habitable room that provides privacy to a person within said room. The room shall be equipped with a bathtub and/or shower in good working condition. The bathtub and shower may be in the same room as the flush water closet, or in another room. The said bathtub and shower shall be connected to an approved water and sewer system.

Sec. 41-49. Minimum Standards for Rodent Control

a) All openings in the exterior walls, foundations, basements, ground or first floors, and roofs shall be rodent-proofed in a manner approved by the Housing Official.

b) All windows used or intended to be used for ventilation, all other openings, and all exterior doorways which might provide an entry for rodents and insects; shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents and insects into the structure.

c) All sewers, pipes, drains or conduits and openings around such pipes and conduit shall be constructed to prevent the ingress or egress of rodents and insects to or from a building.

d) Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed in a manner approved by the Housing Official.

Sec. 41-50. Minimum Energy Standards

a) Weatherization Requirements: All dwellings that are renter occupied during all or a portion of the months of November through April shall comply with the following weatherization requirements:

1) Install weather stripping between exterior operable window sash and frames and between exterior doors and frames. Weather stripping is not required on storm doors or storm windows.

2) Caulk, gasket, or otherwise seal accessible exterior joints between foundation and rim joist; around window and door frames; between wall and roof; between wall panels; at penetrations for utility services through walls, floors, roofs, and all other openings in the exterior envelope.

3) Install storm windows on all single glazed exterior window units enclosing conditional space.

4) Install storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule, or other appurtenances provides a double door effect or provides an "R" value of two (2) or more.

5) Install positive shut-off for all fireplaces or fireplace stoves, unless an existing damper provides a positive shut-off.

6) Install insulation in attic to achieve a minimum total "R" value of the insulation of R-19. If there is insufficient space for the installation of the recommended "R" value, then the available space shall be installed to capacity. Attic access panels must be installed to a minimum of R-38 for ceiling panels and R-19 for wall panels, and must be weather-stripped (as stated in 7674.0600 Subp. 11 D).

7) Install insulation in walls and floors enclosing conditioned spaces to achieve a minimum total “R” value of the insulation of R-19 (as stated in 7674.0600 Subp. 3 A). Accessible walls shall not include above grade foundation walls of basements. If there is insufficient space for the installation of the required “R” value, then the available space shall be insulated to capacity.

Sec. 41-50---41-80 Reserved

Article III. Administration and Enforcement

Sec. 41-81. Occupancy Standards

a) Notwithstanding any private agreements between the landlord and occupant providing for more restrictive occupancy standards, the maximum occupancy standards shall be:

1. No more than 4 persons unrelated by blood, marriage or adoption, including foster children shall occupy a dwelling unit.
2. The Maximum number of occupants in any rental dwelling unit shall not exceed two persons per 70 square foot bedroom, with each additional person beyond two in that room requiring an additional 50 square feet of space each.
3. The owner or manager must advise the occupant, in writing, the maximum number of occupants permitted in occupied premises.

Sec. 41-82. Conduct on Licensed Premises

a) It shall be the responsibility of the owner to take appropriate action following conduct by occupant(s) or guests of the occupant(s), which is in violation of any of the following statutes or ordinances:

- 1) Minnesota Statue 609.75 through 609.76, which prohibits gambling.
- 2) Minnesota Statue 609.321 through 609.324 which prohibit prostitution and acts relating thereto.
- 3) Minnesota Statue 152.01 through 152.025, and 152.027 subdv.1 & 2, which prohibit the unlawful sale of or possession of controlled substances.

- 4) Minnesota Statute 340A.401, which regulates the unlawful sale of alcoholic beverages.
- 5) Minnesota Statute 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house.
- 6) Minnesota Statute 609.72, which prohibits disorderly conduct.
- 7) Le Center City Code 803.02, prohibiting public nuisance noises, and 801.02 of the City Code which prohibits public nuisances.
- 8) Minnesota Statute 609.221, 609.222, 609.223, 609.2231, and 609.224 regarding assaults in the first, second, third, fourth, and fifth degree.

b) The Le Center Police shall be responsible for enforcement and administration of this section.

c) Upon determination that a licensed premise or a dwelling unit was involved in a violation of subdivision (a), the Le Center Police shall notify the owner by first class mail of the violation and direct the owner to take steps to prevent further violations. A copy of said notice shall be sent by first class mail to the occupant in violation of subdivision 1.

Sec. 41-83. Licensing of Rental Units

a) General Rule. It is unlawful, for any person having control of any dwelling unit to lease, rent, offer for lease or rent, or permit to be leased, rented, or offered for rent or lease, any dwelling unit within the City without first having obtained a rental license for such dwelling unit as hereafter provided. Rental property does not mean on-campus dormitories, hospital units, nursing home units, assisted living units, and duly licensed inspected and state or county approved hotels, motels, or any owner occupied rental property being rented to immediate family, nor does it mean and already inspected and certified properties inspected pursuant to state law.

b) Each license issued pursuant to this Ordinance shall expire on the 31st day of December each year in which it was issued. The City shall be required to mail annual renewal statements to the property owner or the designated agent on or before October 1st of each year. Failure to receive a renewal statement from the City shall not excuse the owner from meeting the license requirements. License fees shall be set according to the City's fee schedule, as it amended from time to time. Renewal statements must be returned to City Hall by October 31 of each year. Failure to return the renewal form will result in an administrative penalty of \$20. Statements and fees over 30 days past due shall result in automatic cancellation of the license and shall be handled as if the property

were a new licensee. For 2017, all currently registered rental property shall continue on in full force and effect until October 31, 2018.

c) Upon receipt of an application, the City shall refer the application for an inspection to verify compliance with the terms of the Ordinance. The inspection shall be done by the City's duly appointed building code inspector. The purpose of the inspection is to ensure that all rental units meet and are fully complaint with the inspection standards set forth by the City consistent with this Ordinance.

d) Each rental unit will be inspected every three years. All units shall be scheduled for inspection by December 1 of the year. The City's officer or agent charged with the duty of making the investigation of inspection shall make a report thereon. It shall be unlawful for an owner of rental property to refuse access to the inspector. The fee for the inspection will be set according to the City's fee schedule as amended from time to time.

e) Application. The owner of a rental dwelling must complete an application for license. The applications are to be filed with the City Administrator and include:

- 1) Name, address, and telephone number of dwelling owner, owning partners if partnership, corporate officers if a corporation.
- 2) Name, address, and telephone number of designated representative, if any.
- 3) Legal address of dwelling.
- 4) Number of housing units within the building.
- 5) Maximum Occupancy

f) Notice of Change. The licensee shall give notice in writing to the City Administrator within five days after any change of information in Subdv. 3. Notice of transfer or ownership is governed by subdivision 5.

g) Transfer. Rental licenses are non-transferrable. Upon the sale of a property the new owner must make application for the rental license.

h) Enforcement/ Inspection Authority. The housing official administers and enforces the provisions of this section. The housing official shall inspect on complaint. Inspections must be conducted during reasonable daylight hours. The housing official must present evidence of official authority to the occupant in charge of a licensed rental dwelling.

i) Inspection Access. If an owner, occupant, or other person in charge of a rental dwelling licensed under this section fails or refuses to permit free access and entry for inspection purposes, the housing official may, upon a showing of probable cause, obtain orders from a court of competent jurisdiction for the inspection.

Sec. 41-84. Compliance Order

a) Whenever the housing official determines that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these, fails to meet the provisions of this ordinance, the housing official may issue a “Compliance Order” setting forth the violations of the ordinance and ordering the owner, occupant, manager, or agent to correct such violations. This Compliance Order shall:

1. Be in writing.
2. Describe the location and nature of the violation(s) of this ordinance.
3. Establish a deadline for the corrections of such violation(s) to be completed.
4. Be served upon the owner or his/her agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if this copy thereof is:
 - i) Served upon him/her personally; or
 - ii) Deposited in the United States Post Office addressed to the owner at his/her last known address with postage prepaid; or
 - iii) Upon failure to affect notice by personal service or by mail; posted at a conspicuous place in or about the dwelling which is affected by the notice.

Sec. 41-85. License Suspension or Revocation.

a) Any license may be revoked or suspended at any time during the life of said license for grounds including, but not limited to the following:

- (1) False or misleading information given or provided in connection with the license application or renewal;
- (2) Failure to pay the licensing fee or inspection fee as it is established by council resolution and as set forth in the City’s fee schedule;
- (3) Failure to allow an inspection, or re-inspection, and failure to correct compliance violations in the time period prescribed;
- (4) Violations committed or permitted by the licensed owner and/or the owner’s designated agent, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the license and the premises;
- (5) Excessive contacts with law enforcement as defined as three (3) or more service calls pertaining to violations of federal, state, or local codes,

statutes, or regulations within any twelve (12) month period of time. The twelve month period of time is not a calendar year period of time, but a period of time running from the first contact to the last contact.

(6) Excessive contacts with the inspector charged with enforcing this ordinance as defined as three (3) or more service calls pertaining to violations of federal, state, or local codes, statutes, or regulations within any twelve (12) month period of time. The twelve month period of time is not a calendar year period of time, but a period of time running from the first contact to the last contact.

(7) Any license may be revoked or suspended at any time during the life of said license for the failure on the owners part to pay any and all taxes, assessments, governmental charges, governmental fees, and/or utility bills pertaining to the subject property.

(8) Any license may be revoked or suspended at any time during the life of said license for three (3) violations within a twelve (12) month period of time for violation of the City's Nuisance Code. The twelve month period of time is not a calendar year period of time, but a period of time running from the first contact to the last contact.

(9) Any license may be revoked or suspended or denied issuance at any time during the life of said license for failure to allow access for the inspection after having been provided fourteen (14) days' notice of non-compliance.

(10) Any license may be denied initial or subsequent issuance when, in the discretion of the City, the owner has had a previous history of renting the dwelling unit or other dwelling units without a valid rental license.

b) Notwithstanding the above specifically designated targeted issue areas set forth at Section (a), upon a determination by the City Administrator that a licensed premises or a dwelling unit was involved in a violation of any section of this Ordinance, the City Administrator shall notify the licensee by first class mail of the violation and direct the licensee to take steps to prevent further violations. A copy of said notice shall be sent by first class mail to the occupant in violation.

Upon receiving a second violation of this ordinance within twelve (12) months of receiving the first violation of this Ordinance the licensee shall be required to submit a written report of the action taken to prevent further violations of this Ordinance. This written report shall be submitted to the City Administrator within five (5) days of request of said report and shall detail all actions taken by the licensee in response to all notices regarding violations of this Ordinance within the preceding twelve (12) months. If the licensee fails to comply with the requirements of this subsection, the rental dwelling license for the individual dwelling until may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the City Administrator.

Upon a third or subsequent violation of any section of this Ordinance by a licensee, within a twelve (12) month period of time after any two (2) previous instances for which notices were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the City Administrator.

c) A suspended license shall be reinstated when the circumstances leading to the suspension have been remedied and a reinstatement fee as set by Council resolution has been paid.

d) For any license revoked by the City Council under this ordinance, it shall be unlawful for the owner of the structure to allow tenants to continue to live, reside in, stay, or be present in the structure. It is additionally a violation for any tenant to continue to live in, reside in, stay in, or be present in, the structure.

Sec. 41-86. Right of Appeal

Any person aggrieved by a Compliance Order may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, and must be filed with the City Administrator within ten (10) business days after service of the Compliance Order.

Sec. 41-87. No Warranty By City

By enacting and enforcing this ordinance, neither the City of Le Center, its Council, agents, or employees warrant or guarantee the safety, fitness, or suitability of any dwelling in the City; and any representation to the contrary by any person is a misdemeanor. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare.

Sec. 41-88. Penalties

Any person who fails to comply with a Compliance Order within the time limits specified therein and any person who violates any of the provisions of this ordinance by doing any act or omitting to do any act which constitutes a breach of any section of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or imprisonment as prescribed by State Law. Each day of such failure to comply shall constitute a separate punishable offense.

Sec. 41-89. Separability

It is hereby declared to be the intention of the City that the separate provisions of this ordinance are separable in accordance with the following:

- a) If any court of law shall judge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- b) If any court of competent jurisdiction shall judge invalid the application of any provision of the ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

This Amended Ordinance shall take effect upon its passage and summary publication.

Passed this ____ day of _____, 2017.

Josh Fredrickson, Mayor

ATTEST:

Christopher L. Collins, City Administrator