

ORDINANCE NO. 348

CITY OF MAPLE PLAIN

AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE CHAPTER 4, ARTICLE 13 REGARDING RENTAL LICENSING

ARTICLE 13. RENTAL PROPERTIES

PART 1. GENERALLY

Sec. 4-506. Purpose.

It is the purpose of this article to ensure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. This article establishes minimum standards to safeguard life or limb, health, and public welfare by regulating and controlling the use and occupancy, maintenance, and repair of all buildings and structures within the City used as rental housing. The operation of rental dwelling units is a business enterprise that entails certain responsibilities set forth herein. ~~Operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary and free from crimes and criminal activity, nuisances or annoyances.~~

With respect to rental disputes and except as otherwise specifically provided by the terms of this article, it is ~~is not~~ the intention of the City to intrude upon the fair and accepted contractual relationship between a tenant and a landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to complaints from a tenant or a landlord which are not specifically and clearly relevant to the provisions of this article.

Sec. 4-507. Finding.

The City finds that the existence of a rental dwelling unit license and maintenance program enables it to correct substandard conditions and maintain a standard for rental dwelling units within the City to provide for the public health, safety, and welfare of its citizens. ~~believes that providing for public health, safety and welfare to its citizens mandates the existence of a rental dwelling unit license and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units.~~

Sec. 4-508. Scope.

This article applies to all dwelling units that are leased in whole or in part as rental dwelling units or are available as rental housing, including those in existence at the time of adoption of this article. It includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls which are on the premises. This section does not apply to facilities currently licensed by the Minnesota Department of Health.

Sec. 4-509. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means any building or portion thereof that contains three or more dwelling units, sleeping rooms, or a combination thereof, but not including condominiums or townhomes.

Building code means the Minnesota State Building Code.

Code official means the City Administrator or the Administrator's duly authorized representative.

Condominium means a single dwelling unit in a multi-dwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the premises. Each individual owner may sell or encumber their own dwelling unit.

Denial means the refusal to grant a license to a new or renewing applicant by the City.

Dwelling unit or rental dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation. Each room or group of rooms with an entrance door to the exterior of the building or an entrance door to a common corridor or hallway is a separate dwelling unit.

Efficiency dwelling unit means a dwelling unit containing only one habitable room, plus bathroom facilities.

~~*Electrical code* means the Minnesota State Electrical Code.~~

Extermination means 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, or trapping; or by any other recognized and legal pest elimination method approved by the Code Official.

Fire code means the Minnesota State Fire Code.

Health Officer means any elected or appointed health officer of the state, the county or the City.

Infestation means the presence of insects, rodents or other pests in numbers large enough to be harmful, threatening or obnoxious to human life.

Lease means an oral or written agreement between a rental dwelling unit owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

License means the formal approval of an activity specified on the certificate of license issued by the City.

License application means the form provided by the City, which must be completed by the owner, by which an owner requests a license.

Licensee means an owner of a rental dwelling unit who has been issued a license by the City for the rental dwelling unit.

Manager means a person or entity who has charge, care or control of a rental dwelling.

~~*Mechanical code* means the Minnesota State Mechanical Code.~~

Nuisance means any of the following:

- (1) Any ~~act that constitutes a~~ public nuisance ~~under state statute or City Code, as provided for in chapter 6, article 2; ?????~~
- (2) Any unsafe condition that is attractive to minors, including, but not limited to, unprotected well openings or excavations, abandoned refrigerators and structurally unsound fences;

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- (3) Overcrowding of a rental dwelling unit with human occupants or personal property;
 - (4) Insufficient ventilation or illumination of a rental dwelling unit;
 - (5) Inadequate or unsanitary sewage or plumbing facilities serving a rental dwelling unit; or
 - (6) Any unsafe condition, as determined by the Code Official or Health Officer.

Owner means a person or entity that owns or has any ownership interest in a rental dwelling.

~~*Plumbing code means the Minnesota State Plumbing Code.*~~

Premises means the real estate upon which any rental dwelling unit subject to this article is located.

Refuse means all putrescible and non-putrescible waste solids, including garbage and rubbish.

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

Rental dwelling means any building containing one or more dwelling units.

Rental license means a license issued by the City pursuant to this article.

Revoke means to take back a license issued by the City.

Single-family dwelling means a building or portion thereof containing one dwelling unit. For purposes of this article, a single-family dwelling unit includes a freestanding single-family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a nonresidential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

Sleeping room means any room used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the Minnesota Department of Health.

~~*Substandard dwelling unit means any rental dwelling unit that is not safe due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, abandonment or any other reason.*~~

Suspend means to make a license temporarily inoperative.

Tenant means any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the rental dwelling unit.

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

Two-family dwelling means a building or portion thereof containing two dwelling units.

Secs. 4-510—4-540. Reserved.

PART 2. REGISTRATION AND LICENSING

Sec. 4-541. Rental license; issuance.

- (a) *License required; dwelling inspections.* No owner or manager shall allow the occupancy of a rental dwelling unit by a tenant prior to the issuance of a rental license by the City ~~for the rental dwelling unit~~. Further, no owner or manager shall allow the occupancy of a ~~rental~~ dwelling unit by a tenant after the expiration of the rental license ~~for the rental dwelling unit~~ unless the rental license has been properly renewed. Upon receipt of the properly executed application for a rental license, the Code Official shall, after request by the owner

on such form as the Code Official requires, cause an inspection to be made of the rental dwelling unit to determine whether it is in compliance with this article, other City ordinances and the laws of the state. Every rental dwelling unit shall be re-inspected after a renewal license application is filed to determine if it conforms to all applicable codes and ordinances.

- (1) *License application filed; contents.* A license application shall be submitted to the Code Official on a form furnished by the City and must contain the following information:
 - a. Name, address, email, and telephone number of the owner of the rental dwelling unit. This is the address that all future correspondence from the City will be sent to. The owner shall indicate if the owner is a corporation, partnership or sole proprietorship;
 - b. Name, address and telephone number of any owner's agent responsible for the management of the rental dwelling unit;
 - c. Legal address of the rental dwelling unit;
 - d. Number and type of dwelling unit (one bedroom, two bedroom and the like); and
 - e. Other information as deemed necessary by the Code Official.
- (2) *Changes in ownership and amended licenses.* A license is not assignable. Any changes occurring in the ownership of a rental dwelling unit require a new license. The new owner must obtain a new license within 30 days of acquiring the premises. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within 30 days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional rental dwelling units.
- (3) *Bi-annual licensing.* All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire bi-annually at 12:00 midnight on June 1 of even-numbered years. The license for each rental dwelling unit must be renewed bi-annually on or before June 1 of even-numbered years. Rental dwelling units must be registered as a sleeping room, a single-family dwelling, a two-family dwelling or an apartment building. The fully completed license application must be submitted to the City with the required fee no later than April 15 of the even-numbered year. The owner or applicant must complete such forms as the Code Official requires and arrange for the inspection by the Code Official on or before May 1 of the even-numbered year.

~~a. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire bi-annually at 12:00 midnight on June 1 of even-numbered years. The license for each rental dwelling unit must be renewed bi-annually on or before June 1 of even-numbered years. Rental dwelling units must be registered as a sleeping room, a single-family dwelling, a two-family dwelling or an apartment building. The fully completed license application must be submitted to the City with the required fee no later than April 15 of the even-numbered year. The owner or applicant must complete such forms as the Code Official requires and arrange for the inspection by the Code Official on or before May 1 of the even-numbered year.~~

~~b. It shall be required that initial rental permits be approved by June 1, 2024. The initial rental permit shall remain in effect until June 1, 2026. The rental housing licensing timeline shall follow the guidelines as set forth in this section after the specified June 1, 2026 date.~~

- (4) *License fee.* The license fee required by this article shall be set forth in the fee schedule. Such fee must accompany the license application. The license fee may be increased when an application is received after the established deadline. Rental dwelling units owned or under the control of the City must be licensed, but are exempt from paying license fees.

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- (5) *Record retention.* The license application and all other documents pertinent to a rental dwelling unit shall be kept on file in the office of the Code Official. A copy shall be furnished to the owner or other authorized person upon request.
- (b) *Exceptions.* The provisions of this article do not apply to, and a rental license is not required for:
- (1) Dwellings occupied by an immediate relative. For the purpose of this exemption, the term "relative" shall be defined as a spouse, partner, parent, stepparent, child, stepchild, grandparent, grandchild, sibling, uncle, aunt, nephew, and niece. The compliance official may require sufficient written proof from the owner stipulating the relationship and living agreements.
 - (2) Hospitals, nursing homes, assisted living, memory care, or other institutional facilities used for human habitation where medical or mental health treatment services, or both, are provided and licensed by state or federal agencies concerning the safety of the users or patients.
 - (3) Residential property that has been sold by contract for deed if the buyer occupies the property and the sale document used to memorialize the sale is a state uniform conveyancing form or is recorded with the County Recorder's office and a copy is provided to the City upon request.
- (c) *Issuance of license.* The City shall issue a license if, following inspection by the Code Official, the rental dwelling unit and the license application are found to be in compliance with the provisions of this section and any required license fees are paid. A license will be issued for each rental dwelling unit. If two or more rental dwelling units are located within a single building, each rental dwelling unit must have a separate license.
- (d) *Apartment buildings.* In any apartment building, a single license shall be issued for all of the dwelling units in that building. When more than one apartment building containing dwelling units exists on one premises or parcel, a separate license shall be required for each building.

(Ord. No. 325, § 1, 12-27-2023)

Sec. 4-542. Conformance to laws.

No license shall be issued unless the rental dwelling and its premises conform to the ordinances of the City, the Minnesota State Building Code, and ~~the all applicable~~ laws of the state.

Sec. 4-543. Authority.

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

Sec. 4-544. Inspection.

No license shall be issued unless the owner agrees in the application to permit inspections. The act of filing an application with the City for a license shall be deemed to be the owner's consent to such inspections and to all other provisions in this article. The Code Official may, in addition to inspections in conjunction with a license application, set up a schedule of periodic inspections to ensure compliance with this article. The Code Official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. The refusal of any licensee to permit such inspections is a violation of this article and the terms and conditions of the license, and shall be sufficient grounds for license suspension and revocation. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under their control for an inspection pursuant to this article, the Code Official may secure an administrative search warrant or may pursue any such other remedies provided by City ordinance or provided by law and equity.

Sec. 4-545. Posting of license.

Every licensee of a rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for that dwelling.

Secs. 4-546—4-576. Reserved.***PART 3. MAINTENANCE, CONDITIONS, AND STANDARDS*****Sec. 4-577. Substandard dwelling unit.**

No substandard dwelling units are allowed. A substandard dwelling unit is any rental dwelling unit that is not safe due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, abandonment or any other reason determined by the City.

Sec. 4-578. Improper occupancy and occupancy limits.

No rental dwelling shall be used in a manner inconsistent with its design or construction. A rental dwelling unit shall be limited to the maximum permissible occupancy determined according to the occupancy limitations of the International Property Maintenance Code. An owner may adopt standards that reduce the maximum occupancy of a dwelling unit from the standards set in the International Property Maintenance Code.

Sec. 4-579. Smoke detectors.

Each rental dwelling unit shall have an approved and operational smoke detector installed in the manner and located required by Minn. Stat. § 299F.362, as may be amended from time to time. No smoke detector installed in a rental dwelling unit shall be allowed to remain disabled or non-functional. If a smoke detector is reported to be disabled or non-functional, the owner or manager shall take immediate action to render the smoke detector operational or replace it.

Sec. 4-580. Carbon monoxide alarms.

Each rental dwelling unit shall have an approved and operational carbon monoxide alarm installed within ten feet of each room used for sleeping purposes as required by Minn. Stats. §§ 299F.50 and 299F.51, as may be amended from time to time, unless an exception listed in Minn. Stats. § 299F.51, subd. 5, as it may be amended from time to time, applies.

~~Sec. 4-581. Unused or discarded items.~~

~~Discarded, unused and junk appliances, furniture, mattresses and other items shall be promptly removed from the premises, but in all cases such removal shall occur within seven days.~~

Sec. 4-58~~1~~². Fuel storage.

LP tanks, gasoline tanks and kerosene tanks shall only be stored outdoors.

Sec. 4-58~~23~~3. Fueled equipment.

Fueled equipment, including, but not limited to, motorcycles, mopeds, lawncare equipment and portable cooking equipment, shall only be stored outdoors or in the garage of a rental dwelling.

Sec. 4-58~~34~~4. Barbecues and open flames.

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

Sec. 4-58~~45~~5. Sidewalks, walkways, stairs, driveways, and the like.

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

Sec. 4-58~~56~~6. Defacement of property.

If a rental dwelling is defaced by graffiti, the graffiti shall promptly be removed.

~~Sec. 4-587. Foundations, roofs, exterior walls, and surfaces.~~

- ~~(a) All exterior surfaces shall be of a material manufactured or processed specifically for use in such a weather-exposed location, including redwood and other naturally suitable materials, and every exterior wall, chimney, foundation, and roof shall be reasonably weathertight, watertight, and rodentproof, and shall be kept in a professional state of maintenance and repair. Exterior walls shall be reasonably maintained and kept free from dilapidation through a significant number or amount of cracks, tears, or breaks, or from significant deterioration of plaster, stucco, brick, wood, or other structural or protective material, and the exterior walls shall not exhibit reasonable evidence of long neglect as determined by the Code Official.~~
- ~~(b) The protective surface on exterior walls of a rental dwelling above ground level shall be maintained in good repair so as to provide a sufficient covering and protection from deterioration of the structural surface underneath. Without limiting the generality of this section, a protective surface of a rental dwelling shall be deemed to be out of repair if the Code Official reasonably determines that:
 - ~~(1) The exterior surface, including window trim, cornice members, porch railings, and other such areas, has a significant amount of paint that is blistered, cracked, flaked, scaled, or chalked away;~~
 - ~~(2) A significant amount of the pointing of any chimney or the pointing of any brick or stone wall is loose or has fallen out;~~
 - ~~(3) Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety.~~~~
- ~~(c) No exterior wall of any rental dwelling or accessory structure shall have a significant amount of paint that is blistered, cracked, flaked, scaled, or chalked away.~~
- ~~(d) No person shall apply any paint on the exterior surface of any rental dwelling or accessory structure unless such paint contains less than 0.06 percent lead.~~

Sec. 4-588. Interior.

- (a) ~~Every interior partition, wall, floor, door, window, trim surface, radiator, and ceiling in every rental dwelling shall be kept in a professional state of repair. In other than owner-occupied dwellings units, such components shall be provided with an interior finish material specifically manufactured for, and intended to be used as, an interior finish surface. Walls, floors, and ceilings that are required to be fire rated by new construction regulations shall be maintained and repaired to prevent a lowering of the resistance to fire or the spread of fire. In addition, maintenance and repairs to walls, floors, and ceilings separating dwelling units, or separating dwelling units from public corridors or stairways, shall be done in a manner that will not reduce the sound transmission class of such walls, floors, or ceilings. Dwelling unit doors leading to communal, shared, or public areas, when replaced, shall be replaced with an approved solid core door not less than 1¾ inches in thickness. For purposes of this section, professional state of repair shall apply to the repair and application of all interior finishes to any surface whatsoever. Interior finished walls shall meet the flame spread classification set forth in the building code or fire code, as adopted by the City, when such interior finishes are hereafter altered, refinished, repaired, or replaced. Bathroom and toilet room floor surfaces shall be reasonably impervious to moisture.~~
- (b) ~~No person shall apply any paint on the interior surface of any rental dwelling or rental dwelling unit, unless such paint contains less than 0.06 percent lead.~~
- (c) ~~No interior wall of any building accessory thereto shall have paint that is blistered, cracked, flaked, scaled, or chalked away.~~

Sec. 4-589. Rainwater drainage.

~~All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any portion of the dwelling, or of any adjacent building or structure. Gutters and downspouts, if provided, shall be kept in a professional state of repair and in compliance with the provisions of this article.~~

Sec. 4-590. Windows, exterior doors, hatchways.

- (a) ~~Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof, and shall be kept in a professional state of maintenance and repair. Every exterior window shall consist of either double-insulated glass or single strength glass with a storm window, or the equivalent. Every exterior door on a rental dwelling or rental dwelling unit, except those which are required to be out-swinging based on occupant load, shall be provided with a storm door unless the principal door has an "R" value of two or more. All windows in such principal doors shall consist of double-insulated glass. Storm windows and storm doors shall be installed not later than November 1 of each year. The owner or manager shall be responsible for installing all storm windows and storm doors.~~
- (b) ~~The following energy conservation measures are required:~~
- ~~(1) Install weatherstripping between exterior operable window sash and frames and between exterior door and frames. (Exception: weatherstripping is not required on storm doors or storm windows.)~~
 - ~~(2) Caulk, gasket, or otherwise seal 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, and roofs, and all other openings in the exterior envelope.~~

~~Sec. 4-591. Stairways and porches.~~

- (a) ~~Construction and maintenance generally; live load.~~ Every inside and all outside stairways attached to a rental dwelling, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in a professional state of maintenance and repair. Normal use live load shall be the uniform load as set out in the building code, as adopted by the City.
- (b) ~~Handrails.~~ Every inside and all outside stairways attached to a rental dwelling shall comply with the requirements of the building code and the fire code, as adopted by the City, concerning handrails. Handrails that were in existence prior to the effective date of these regulations are exempt from these regulations; however, any handrail in a rental dwelling that is remodeled, altered, or repaired after such date shall be required to conform to this subsection.
- (c) ~~Required means of egress to be kept clean.~~ Required means of egress that are exposed to the elements shall be kept clear at all times of rubbish, snow, ice, or other obstructions when such egress serves a multiple dwelling.

~~Sec. 4-592. Guardrails.~~

~~All accessible doorways, unenclosed floor and roof openings, open stairs, porches, balconies, walkways, and landings of a rental dwelling shall comply with the requirements of the building code and the fire code, as adopted by the City, concerning guardrails. New installations or replacements of guardrails shall be in compliance with the building code and the fire code, as adopted by the City.~~

~~Sec. 4-593. Rental dwelling and rental dwelling unit storage.~~

~~No rental dwelling or rental dwelling unit shall allow the disorganized storage of materials so as to pose a danger to residents therein as a result of infestation of pests, increased fire hazard, and blockage of rescue equipment.~~

Sec. 4-58694. Maintenance of shared or public areas.

Every owner shall maintain rental dwellings in a clean, sanitary, and safe condition, including the shared or public areas of the rental dwelling or rental dwelling unit and its premises.

Sec. 4-58795. Maintenance of occupied areas.

All occupied areas shall be maintained in a clean, sanitary, and safe condition.

Sec. 4-58896. Pest infestations.

No rental dwelling or rental dwelling unit shall allow the accumulation of materials in such a manner that may provide rodent harborage in or about any rental dwelling, rental dwelling unit, public or shared area, or building. Materials stored shall be stacked neatly. Pest extermination shall be the responsibility of the owner.

Sec. 4-58997. Minimum exterior lighting.

The owner of a rental dwelling shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways, subject to the light standards provided by City Code Section and the Building Code.

Sec. 4-5908. Maintenance of driving and parking areas.

The owner shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.

~~Sec. 4-599. Minimum facility standards.~~

~~No rental dwelling unit shall be permitted occupancy without the installation of adequate facilities (kitchen, toilet, lavatory sink, bathtub or shower) which are to be in good working condition, properly connected to an approved water supply system, provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.~~

~~Sec. 4-600. Access to rental dwelling unit.~~

~~A safe means of access to or egress from each rental dwelling or rental dwelling unit shall be provided that does not require a person entering or exiting such rental dwelling or rental dwelling unit to enter or pass through any other dwelling unit.~~

Sec. 4-591601. Door locks.

No owner shall occupy or let to another for occupancy any rental dwelling or rental dwelling unit unless all exterior doors of the rental dwelling or rental dwelling unit are equipped with safe, functioning locking devices. Multiple-tenant dwellings shall be furnished with door locks as follows:

- (1) For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-tenant dwelling units, and except as otherwise permitted or required by state law, an approved security system shall be maintained for each multiple-tenant dwelling unit to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual rental dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.
- (2) Every door that is designed to provide ingress for a rental dwelling unit within a multiple-tenant dwelling unit shall be equipped with an approved lock that has a deadbolt that cannot be retracted by end pressure; provided, however, that such door shall be operable from the inside without the use of a key or any special knowledge or effort.

~~Sec. 4-602. Nonhabitable room ventilation.~~

~~Every bathroom and water closet compartment and every laundry and utility room shall adhere to room ventilation standards contained in the building code.~~

~~Sec. 4-603. Electric service, outlets, and fixtures.~~

~~Every rental dwelling or rental dwelling unit and all public and common areas shall be supplied with electric service, functioning overcurrent protection devices, electric outlets, and electric fixtures which are properly installed, all of which shall be maintained in good and safe working conditions and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the City and by the laws of~~

the state. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

- (1) Dwelling units containing two or more rental dwelling units shall have at least the equivalent of 60 ampere, three-wire electric service per dwelling unit.
- (2) Rental dwelling units shall have an electric circuit system that complies with the building code and the fire code, as adopted by the City.
- (3) Every habitable room shall comply with the building code and the fire code, as adopted by the City, concerning floor or wall-type electric convenience outlets, and in no case shall any habitable room have fewer than two such electric outlets; provided, however, that one ceiling or wall-type light fixture may be supplied in lieu of one required electric outlet.
- (4) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture, and every bathroom, kitchen, and laundry room shall contain at least one electric convenience outlet.
- (5) Every public corridor and stairway in every multiple-tenant dwelling shall be adequately lighted by natural or electric light at all times at one footcandle at floor level, so as to provide effective illumination in all its parts.
- (6) A convenient switch or equivalent device for turning on a light in each rental dwelling unit shall be located near the point of entrance to such unit.

Sec. 4-604. Minimum thermal standards.

No person shall occupy as owner or let for occupancy any rental dwelling, rental dwelling unit, or its portion, which does not have heating facilities which are properly installed, and which are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit, or such lesser temperature required by government authority, at a distance of three feet above floor level and three feet from exterior walls. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this section and is prohibited. No owner or tenant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner.

Sec. 4-592605. General maintenance; exterior structures.

All fences and accessory structures are to be properly maintained in good repair and appearance. Fences shall be constructed of metal, wood, masonry, or other decay resistant material. Material for such structures may also be made weather resistant through the use of decay resistant materials, such as paint or other preservatives.

Sec. 4-593606. Access through sleeping rooms and bathrooms.

Except as otherwise permitted or required by state law, no rental dwelling unit containing two or more sleeping rooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by tenants of more than one sleeping room can be gained only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be gained only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar, or to the exterior of any rental dwelling or rental dwelling unit.

Sec. 4-607. Occupancy limitations.

~~The maximum permissible occupancy of any licensed rental unit is determined according to the occupancy limitations of the International Property Maintenance Code. An owner may adopt standards that reduce the maximum occupancy of a dwelling unit from the standards set in the International Property Maintenance Code.~~
(Ord. No. 326, § 1, 3-25-2024)

Sec. 4-594. Property as a nuisance.

The property shall not constitute a nuisance.

Sec. 4-595. Responsibility for utility billing.

Utility billing shall be billed to the owners address on file with the rental permit application in accordance with the total amount of utilities used on the rental dwelling property for the given period. It shall be the responsibility of the owner or owner's agent to properly distribute utility costs to the appropriate tenant.
(Ord. No. 325, § 1, 12-27-2023)

Secs. 4-~~596608~~—4-637. Reserved.

PART 4. ~~OTHER MISCELLANEOUS CONDITIONS~~SAFE RENTAL HOUSING

Sec. 4-638. Property as a nuisance.

~~The property shall not constitute a nuisance under chapter 6, article 2.~~

Sec. 4-639. Responsibility for utility billing.

~~Utility billing shall be billed to the owners address on file with the rental permit application in accordance with the total amount of utilities used on the rental dwelling property for the given period. It shall be the responsibility of the owner or owner's agent to properly distribute utility costs to the appropriate tenant.~~
(Ord. No. 325, § 1, 12-27-2023)

Sec. 4-638. Definitions

The definitions in section 4-509 shall apply to this part, unless modified or supplemented below. The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Criminal activity means prostitution, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful discharge of firearms, or any other criminal activity on or near the premises that jeopardizes the health, safety and welfare of the owner or manager, or any tenant, neighbor, or other third party, or involving imminent or actual serious property damage, or an activity that constitutes one of the enumerated instances of disorderly conduct in section 4-641.

Drug related criminal activity means the illegal manufacture, sale, distribution, use, or possession with or without intent to manufacture, sell, distribute, or use a controlled substance or any substance represented to be drugs as defined in section 102 of the Controlled Substances Act (21 USC 802).

Sec. 4-639. Criminal background check.

- (a) The City recommends, but does not require, that an owner or manager of a rental dwelling conduct a criminal background check on all prospective tenants. If conducted, a criminal background check should include the following:
 - (1) A statewide criminal history check of all prospective tenants covering the last five years utilizing the most recent update of the state criminal history files;
 - (2) A statewide criminal and civil court records check of all prospective covering at least the last five years including all misdemeanor, gross misdemeanor, and felony convictions related to property offenses, fraud, violence against persons, or sex offenses;
 - (3) A statewide criminal history check of any prospective tenant in their previous states of residence, if available, covering the last five years if they have not resided in the state for five years or longer.
- (b) The owner or manager shall maintain a current register of tenants and other persons who have a lawful right to occupancy of any rental dwelling unit. The register of tenants must include the full name, date of birth, and the most current telephone number available for each tenant or other lawful occupants. The tenant register must be available for review by the City upon request.
- (c) If an owner or manager undertakes a criminal background check, a review of the results should focus on felony convictions relating to property offenses, fraud, violence against persons, and sex offenses. If the owner or manager intends to rely on a background check to deny any prospective tenancy, the owner or manager must conduct an individualized assessment of the prospective tenancy after allowing the prospective tenant a reasonable opportunity to supply additional information. It is not the intention or desire of the City to intrude on the decision-making of an owner or manager as to prospective tenants, but rather to assure that all prospective tenants receive a fair opportunity to secure housing.

Sec. 4-640. Lease requirements.

- (a) Lease addendum. All tenant leases for a rental dwelling, except for those dwellings or property that do not require a rental license pursuant to section 4-541 and subject to all preemptory state and federal laws, shall contain the following language or equivalent:
 - (1) Tenant, any members of the tenant's household, a guest or other person affiliated with a tenant shall not engage in criminal activity, including drug-related criminal activity on the premises.
 - (2) Tenant, any member of the tenant's household or a guest or other person affiliated with tenant shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity on the premises
 - (3) Tenant, any member of the tenant's household, or a guest or other person affiliated with the tenant shall not permit the dwelling to be used for or to facilitate criminal activity, including drug-related criminal activity.
 - (4) Tenant, any member of the tenant's household or a guest or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance on the premises.
- (b) Non-exclusive remedies. The lease addendum is in addition to all other terms of the lease and does not limit or replace any other provisions.

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- (c) Incorporation. The lease addendum shall be incorporated with all new and renewed leases for a tenancy.
- (d) Copy made available. A copy of any and all leases and lease addendums for property subject to an active rental license under this article shall be made available upon request by the City.

Sec. 4-641 Conduct on rental properties.

- (a) Disorderly conduct. The owner or manager of a rental dwelling shall be responsible for ensuring that persons occupying a rental dwelling unit, whether as tenants or guests, conduct themselves in such a manner as to not cause the premises to be disorderly. “Disorderly conduct” means conduct on or near the premises that is prohibited by any of the following regulations:
- (1) Gambling in violation of Minn. Stats. §§ 609.75 through 609.76.
 - (2) Prostitution and acts relating thereto in violation of Minn. Stats. §§ 609.321, 609.322, and 609.324.
 - (3) The unlawful sale or possession of controlled substances as prohibited by Minn. Stats. §§ 152.01 through 152.025, and 152.027, subds. 1 and 2.
 - (4) The unlawful sale of alcoholic beverages as prohibited by Minn. Stat. § 340A.401.
 - (5) The unlawful possession, transportation, sale, or use of a weapon as prohibited by Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and chapter 6, article 3, of this Code.
 - (6) Disorderly conduct in violation of Minn. Stat. § 609.72, when the violation disturbs the peace and quiet of the occupants of at least one rental dwelling unit on the licensed premises or other premises, other than the unit occupied by the persons committing the violation.
 - (7) Failure to comply with dangerous or potentially dangerous dog requirements in violation of chapter 4, article 11 of this Code or Minn. Stats. Ch. 347.
 - (8) Obscenity crimes, as defined by Minn. Stats. §§ 617.23, 617.241, 617.246, 617.247.
 - (9) Assault, as defined by Minn. Stats. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.
 - (10) Public nuisance, as defined by chapter 6, article 2 of this Code or Minn. Stats. §§ 609.74 and 609.745.
 - (11) The unlawful sale, furnishing, use, or possession of intoxicating liquor in violation of chapter 4, article 10 of this Code and state law.
 - (12) Criminal damage to property in violation of Minn. Stat. § 609.595.
 - (13) The unlawful sale or possession of cannabis in violation of Minn. Stats. §§ 152.0263 and 152.0264.
 - (14) Interference with a police officer in violation of Minn. Stat. § 609.50.
 - (15) Terroristic threats in violation of Minn. Stat. § 609.713.
 - (16) Committing a crime for benefit of a gang in violation of Minn. Stat. § 609.229.
 - (17) Criminal sexual conduct in violation of Minn. Stats. §§ 609.342—609.3451.
 - (18) Burglary in violation of Minn. Stat. § 609.582.
 - (19) Stalking in violation of Minn. Stat. § 609.749.
 - (20) Trespassing in violation of Minn. Stat. § 609.605.
 - (21) Theft in violation of Minn. Stat. § 609.52.
 - (22) Receipt of stolen property in violation of Minn. Stat. § 609.53.

(23) Aiding an offender in violation of Minn. Stat. § 609.495.

(24) Tampering with a motor vehicle in violation of Minn. Stat. 609.456.

(25) Arson in violation of Minn. Stats. §§ 609.561—609.5632.

(b) Exemptions. The following actions shall not be considered disorderly conduct:

(1) Where there is a report of domestic abuse between family or household members as defined in Minn. Stat. § 518B.01, subd. 2.

(2) Where there is a report of criminal sexual conduct as defined in Minn. Stats. §§ 609.342—609.3451 between family or household members.

(3) Calls for assistance related to mental health or other health crises.

(4) When there is an emergency call as defined in Minn. Stat. § 609.78, subd.3, resulting from a tenant, a member of a tenant's household, or a guest seeking emergency assistance protected by Minn. Stat. § 504B.205.

(c) Determining disorderly conduct. A determination that disorderly conduct as described in subsection (a) of this section has occurred shall be made by the West Hennepin Public Safety Department when there is a preponderance of evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly conduct, nor shall the dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this article. For purposes of this section, preponderance of evidence shall mean evidence to support a reasonable determination that it is more likely than not that the alleged conduct occurred, A person adversely affected by such determination may appeal the decision as set forth in section 1-20 of this Code.

Sec. 4-~~640~~642. No retaliation.

Per Minn. Stats. § 504B.205, subd. 2, as it may be amended from time to time:

- (1) A landlord may not:
 - a. Bar or limit a residential tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or
 - b. Impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.
- (2) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

Secs. 4-64~~31~~—4-671. Reserved.

PART 5. ENFORCEMENT, APPEALS, AND PENALTY

Sec. 4-672. Responsibilities.

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

Sec. 4-673. No warranty by City.

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

Sec. 4-674. Enforcement.

- (a) *Authority.* The Code Official shall enforce or cause the enforcement of this article. The Code Official shall have the power to render interpretations of this article in conformity with the intent and purpose of this article.
- (b) *Compliance inspections.* When the Code Official or a Health Officer has reasonable cause to believe that a condition exists in regard to a rental dwelling or the premises that violates this article, including, but not limited to, a tenant complaint made in good faith, the Code Official or Health Officer may enter the rental dwelling to inspect, reinspect, or otherwise perform the duties imposed by this article. No such entry shall be made, however, unless:
 - (1) The owner, manager or tenant permits entry;
 - (2) The Code Official or Health Officer secures an administrative warrant from a court with jurisdiction; or
 - (3) An emergency exists.
- (c) *Compliance orders.* The Building Official or designee is authorized to issue compliance orders to the owner of any rental dwelling or rental dwelling unit that is found to be in violation of any provision of this article or other applicable statutes, ordinances, codes, or other law. The compliance order shall state the following:
 - (1) The nature of each violation, including a citation to the specific provision of this article or other applicable law that has been violated.
 - (2) The time within which each violation must be remedied. The time provided for compliance for each violation shall be determined by the official issuing the compliance order, in the official's sole discretion, based on the nature and severity of the violation and the magnitude of the risk it presents to the health, safety, and welfare of the tenant or any other person; provided, however, that the compliance period shall not exceed 30 days except in extraordinary circumstances upon a showing that a 30-day compliance period would create an undue hardship for the owner or manager and that a longer compliance period would not pose an unreasonable risk to the public health, safety, or welfare. In such cases, the compliance period shall be no longer than necessary to prevent the hardship that would otherwise be created.

Sec. 4-675. Revoking, suspending, denying or not renewing license; effect.

- (a) *Generally.*
 - (1) *License action.* The City Council may revoke, suspend, deny or decline to renew any license issued under this article. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the discretion of the City Council. The basis for such revocation, suspension, denial or non-renewal includes any of the following circumstances:
 - a. The license was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit;

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- b. The owner, applicant or one acting in their behalf made oral or written misstatements accompanying the license application;
 - c. The owner, applicant or one acting in their behalf has failed to comply with any condition set forth in any other permits granted by the City for the premises or a rental dwelling unit on the premises;
 - d. The activities of the owner/applicant create or have created a danger to the public health, safety or welfare for the premises or a rental dwelling unit on the premises;
 - e. The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public;
 - f. Failure to pay any application fee required by this article;
 - g. Following the third instance of disorderly ~~behavior that is not subject to the exception or the circumstances set forth in this article;~~ conduct as set forth in section 4-641 of this Code;
 - h. Violation of any regulation or provision of this article applicable to the activity to which the license has been granted or any regulation or law of the state so applicable;
 - i. Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the license; and/or
 - j. Any violation of this article.
- (2) *Notification.* The Code Official shall notify the owner or the owner's agent in writing of the basis for the revocation, suspension, denial or nonrenewal and the date upon which the City Council shall review the request to revoke, suspend or deny the license or if the basis for a nonrenewal of the license is for a reason other than the physical condition of the rental dwelling unit or the premises. The notice required by this section shall be served upon the owner or the owner's agent at least 20 days before the City Council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the license application. It shall be the responsibility of the owner or the owner's agent to notify the tenant in writing of the hearing date, time and place.
- (3) *Hearing.* The owner or the owner's agent shall be given an opportunity for a hearing in front of the City Council. At the hearing, the owner and the Code Official shall have opportunity to present evidence, but the strict rules of evidence shall not apply. The City Council shall receive and give weight to evidence.
- (4) *Decision.* The City Council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny or non-renew (solely for issues not related to physical condition of the rental dwelling unit or the premises) a license based on the findings. The City Council shall issue a written decision regarding the recommendation of the Code Official within 30 days following the date of the hearing and shall notify the appellant of the decision by first class mail with a duplicate copy to the Code Official. The decision shall specify the rental dwelling unit or the premises to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling unit that has had its rental license revoked, suspended, denied or non-renewed may be re-let or occupied. Revocation, suspension, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.
- (5) *License process after revocation, suspension, denial or renewal declination.* After the City Council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling units until the Code Official determines that the applicant/licensee has remedied the conditions identified by the City Council as the basis for its action. A license application to obtain a license for a rental dwelling unit after the City Council has revoked, suspended, denied or declined to

renew a license for the same rental dwelling unit must be accompanied by all fees required by this article.

- (b) *Effect of revocation, suspension, denial or non-renewal.* If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant, or thereafter vacated, rental dwelling unit until such time as a valid rental license is obtained for the rental dwelling unit. Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in section 4-541.

Sec. 4-676. Posted to prevent occupancy.

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

- (1) *Compliance order.* If the Code Official or Health Officer finds that any violation of this article has occurred, the Code Official or Health Officer may immediately seek to enforce the violation. In the alternative, the Code Official or Health Officer may prepare a compliance order listing all violations and the dates when such violations must be corrected. If a compliance order is issued, the owner, manager or tenant shall correct all violations, or cause them to be corrected, within the time limit set forth by the Code Official or Health Officer. Any violation timely corrected in compliance with such an order shall be deemed remedied by the City and shall not form the basis for a rental license suspension or revocation. Extensions of time to correct may be granted by the Code Official or Health Officer. A request for extension of time shall be made and delivered to the Code Official or Health Officer prior to the expiration date of the applicable correction period. Extensions may be granted by the Code Official or Health Officer upon due evidence shown that the owner, manager or tenant, as applicable, is using all reasonable means to timely correct the violation.
- (2) *Notice to vacate.* The Code Official may post any rental dwelling unit as being in violation of this article and prevent further occupancy by a tenant if a rental dwelling unit is determined, in the opinion of the Code Official and as defined in this article, a substandard dwelling unit. At the time of posting, notice shall be sent to the owner via U.S. mail. Existing tenants shall have 45 days to vacate a posted rental dwelling unit if they are in occupancy at the time of posting, except that occupants shall immediately vacate a posted rental dwelling unit if such occupancy will cause imminent danger to the health or safety of the tenants. No person, other than the Code Official, shall remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or rental dwelling which has been posted to prevent occupancy, except as set forth herein.

Sec. 4-677. Appeal.

~~(a) — *Right to appeal.* Any owner, manager or tenant may appeal from any notice and order or any action of the Code Official or Health Officer under this article by filing an appeal to the City Administrator. A written appeal to the City Administrator shall consist of a brief statement in ordinary and concise language regarding the specific order or action protested, together with any material facts claimed to support the contentions of the appellant in the time and manner provided in City Code Section 1-20.~~

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

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- ~~(c) *Notice of hearing.* Notice of a hearing will be served by first class mail to the appealing party no less than 20 days in advance of the scheduled hearing, unless a shorter period of time is agreed upon. Service shall be deemed complete upon depositing the notice of hearing in the U.S. mail, properly addressed to the last known address of the person requesting the hearing.~~
 - ~~(d) *Hearing procedures.* The hearing will be in front of the City Council. At the hearing, the party appealing shall have the opportunity to present testimony and question any witnesses, but the strict rules of evidence shall not apply. The City Council shall receive and give weight to evidence.~~
 - ~~(e) *Decisions on appeal.* The City Council shall issue a decision in writing to the appealing party within ten days of the hearing. The decision of the City Council is final and, along with any City Council decision under section 4-675, must be appealed in a Minnesota court of competent jurisdiction within 30 days of the written decision of the City Council.~~

Sec. 4-678. Restrictions on transfer of ownership.

It shall be unlawful for the owner of any rental dwelling or its portion upon whom a pending compliance order has been served concerning the rental dwelling to sell, transfer, mortgage, lease, or otherwise dispose to another person until the provisions of the tag and compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order, and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the rental dwelling or its portion who has received notice of the existence of a violation tag or compliance order shall be bound by the same without further service of notice and shall be liable to all penalties and procedures provided by this article.

Sec. 4-679. Penalty.

- (a) A person who violates the provisions of parts 2 and 3 of this article and section 4-~~594638~~ may be charged with a misdemeanor. Each day that a violation continues shall be deemed a separate offense. The Code Official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until the code violations are corrected.
- (b) A violation of any provision of sections 4-~~595639~~ and 4-~~642640~~ and this part is a misdemeanor. Each day the violation continues is a separate violation. In the alternative, the City shall impose the following administrative penalties upon the owner: \$50.00 fine, plus an additional charge of \$5.00 per day commencing on the day the alleged violation occurs. If, however, the owner has been given a specified correction period by the Code Official, the fine shall be waived if the violation is confirmed corrected by the Code Official before the expiration of such period.