

WATERVILLE CITY ORDINANCE NO. 116

AN ORDINANCE ESTABLISHING ORDINANCE NO. 116 OF THE CITY OF WATERVILLE, MINNESOTA, ENTITLED
"RESIDENTIAL RENTAL PROPERTY REGISTRATION AND LICENSING".

BE IT ORDAINED by the City Council for the City of Waterville, Minnesota, that Ordinance No. 116 of said City be and the same hereby is established to read as follows:

CHAPTER 116. RESIDENTIAL RENTAL PROPERTY REGISTRATION AND LICENSING.

SECTION

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§116.01 PURPOSE.

The City recognizes a need for an organized inspection program of residential rental units within the City in order to establish and enforce minimum standards for rental units to meet City and State safety, health, fire, and zoning codes within the City and to provide a more efficient system to ensure that rental property is properly maintained. The City recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and license of all residential rental units within the City so that orderly inspections can be undertaken.

§116.02 DEFINITIONS.

RESIDENTIAL RENTAL PROPERTY. Any building, structure, room, enclosure, or mobile home, including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. Nursing homes and Assisted Living Facilities shall be specifically exempt from registration and license under this Section.

Rental Property shall also include cabins, seasonal homes, recreational homes, and any dwellings used on a temporary basis.

RENTAL. The leasing of a rental unit to a non-owner for a fixed or non-fixed period of time, whereby nonpayment of a periodic payment means the occupants may be evicted.

PERSON. Includes natural persons as well as business entities, whether one or more.

ENFORCEMENT OFFICER. The City Council shall, on a yearly basis appoint a qualified individual or entity as the responsible authority to perform inspections and determine compliance with the applicable rules, standards, statutes and ordinances.

§116.03 REGISTRATION AND LICENSE REQUIREMENTS.

It is unlawful for any person to hereafter occupy, allow to be occupied, advertise for occupancy, solicit occupants of, or rent, lease, sublease, or let to another person for occupancy any residential rental property within the City for which an application for license has not been properly made and filed with the City of Waterville and for which there is not an effective license. An Initial application and a renewal of the same shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

(A) Name, address and phone number of the property owner and, if owner is not a natural person, the name, address and phone number of a designated agent for the owner.

(B) The name, phone number, and address of any person authorized to make or order made repairs or services for the property, if said property were to be in violation of any City, County, State, or any of those entities' political subdivisions' s, Codes, Rules, Policies, Ordinances, or Statutes, if the person is different than the owner.

(C) The street address of the rental property.

(D) The number and types of units within the rental property (dwelling units or sleeping rooms).

(E) A rental property owner and/or the designated agent must notify the City in writing within 15 calendar days after any change in the above information.

§116.04 FEES AND PENALTIES.

There shall be a license fee for the initial license and a renewal fee every two years thereafter. The fee shall be based upon the number of units in the case of multiple unit dwellings. There shall also be a license transfer fee and a license reinstatement fee. All fees shall be as established by the Ordinance Establishing Fees and Charges adopted by resolution pursuant to §110.04 of the City of Waterville, code of Ordinances.

Any violation of the provisions of this Section shall be deemed a misdemeanor offense punishable by a fine of up to \$1,000 and or ninety (90) days in jail, or both. In addition, for each such day that a violation occurs it shall be deemed a separate offense.

§116.05 MANNER OF REGISTRATION, LICENSING AND RENEWAL.

(A) Initial application for license of property which is not licensed as residential rental property on the effective date of this Section, or for licensed residential rental property when there is a change in type of occupancy, shall be made by personally filing an application for license with the City of Waterville before the property is used as residential rental property or before use as a new type of occupancy.

(B) If there is a change in the type of occupancy from the type stated on the registration statement, a new registration statement and license will be required.

§116.06 METHOD AND MANNER OF CERTIFICATION.

Upon receipt of an initial application, the City of Waterville shall forward a copy to the enforcement officer, who shall then, within 10 (ten) working days, perform an inspection of the property to determine whether such property complies with the minimum standards set forth in the current version of the Minnesota Fire Code. The enforcement officer shall make a report thereon. No license shall be issued if the premises and building do not fully comply with all the provisions of the applicable rules, standards, statutes and ordinances which pertain to such dwelling units. .

§116.07 METHOD OF RENEWAL.

(A) Registration shall be required annually and be issued prior to the annual renewal date. The city shall be required annually to mail registration renewal forms to the property owner or designated local manager thirty (30) days prior to expiration and such renewal forms may be returned by mail or in person to the City of Waterville

(B) The city shall not register a rental unit unless the owner has paid all property taxes (including then due special assessments) assessed to the property and the property is not delinquent in any other obligations to the City of Waterville.

§116.08 METHOD OF CORRECTION.

Whenever an enforcement officer determines that any residential rental property fails to meet the requirements set forth in the applicable rules, standards, statutes or ordinances; the City shall issue a correction notice setting forth the violations and ordering the occupant, owner and/or owner's designated agent to correct such violations. This notice and order shall:

(A) Be in written form;

(B) Describe the location and nature of the violation;

(C) Establish a reasonable time for the correction of any violation;

(D) Be served upon the owner, the owner's designated agent and/or the occupant as the case may require. Such notice shall be deemed to be properly served if a copy thereof is:

(1) Served upon the owner, designated agent and/or occupant personally; or

(2) Sent by certified mail, return receipt requested.

Failure to correct violations within the time period stated in the correction order shall constitute a violation. If the correction order relates to actions or omissions of the occupant, and the occupant fails to make the necessary correction, the licensee may be required to remedy the condition by whatever means necessary. No adverse action shall be taken against a licensee for failure to remedy a condition during the pendency of a bona fide eviction proceeding being pursued diligently by the licensee.

§116.09 TRANSFER OF PROPERTY.

To transfer the license from one property owner to another, the licensee shall give written notice, including the name and address of the transferee, to the City of Waterville, within thirty-days (30) after such transfer. The transferee must make application with the City and pay the required fee for a transfer of the license within thirty-days (30) after the transfer of the

property. Failure to make application within the specified time limit shall result in automatic forfeiture of the license and shall constitute a violation. Relicensing of any property for which the license has been forfeited shall require application for a new license. Issuance of any license when there is a transfer of property shall require the property to be in compliance with all requirements of the applicable rules, codes, statutes and ordinances. The fee for license transfer shall be set by Council resolution.

§116.10 LICENSE SUSPENSION AND 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 any fee herein provided for;
- (3) Failure to comply with 116.16, below;
- (4) Failure to correct violations in the time period prescribed;

(5) 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;

(B) 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.

§116.11 MAINTENANCE OF RECORDS.

All records, files, and documents pertaining to the Rental License Program shall be maintained for five years after the license expiration, in the office of the City of Waterville and made available to the public as allowed or required by the applicable laws, rules, codes, statutes or ordinances.

§116.12 RENTAL APPEALS BOARD.

The Planning and Zoning Commission shall act as the Rental Appeals Board. The Board shall hear appeals arising from a correction order and make recommendations to the Council to affirm, modify or reverse, in whole or in part, such order. This Board shall also review and approve administrative policies and procedures pursuant to this ordinance, and regularly review and make such recommendations, as the Board deems reasonable and necessary to the Council as to the schedules of fees and penalties required under this Section.

§116.13 APPEAL PROCESS.

When it is alleged by any person to whom a correction order is directed that such order is based upon erroneous interpretation of the applicable rules, standards, statutes or ordinance or mistake in fact, such person may appeal the correction order to the Rental Appeals Board.

Such appeal must be in writing, must specify the grounds for the appeal, must be accompanied by any filing fee set by Council resolution, and must be filed within five (5) business days after service of the correction order. Upon receipt of the written appeal, the City shall set a date for a hearing and give the appellant at least ten (10) days prior written notice of the date, time and place of the hearing. By mutual agreement between the appellant and the City Administrator, the ten (10) day notice may be waived.

The appellant shall have the right to appear and be represented by counsel. The Rental Appeals Board shall hear and consider the matter within Forty-five days (45) of the filing of an appeal. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless the enforcement officer certifies that such a stay would cause imminent peril to life, health, or property.

The Rental Appeals Board shall issue its recommendation to the Council and the appellant in writing within thirty-days (30) after the hearing. The Council shall thereafter affirm, modify or reverse the correction order upon such terms as the Council deems necessary to accomplish the purposes of this ordinance. A copy of the decision shall be mailed to the appellant.

§116.14 AUTHORITY.

Nothing in this Section shall prevent the City from taking action under any applicable rule, standard, statute or ordinance for violations thereof to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Section shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Section on registration and licensing including an order prohibiting the occupancy of such rental units until violations of this Section have been remedied by the property owner or designated agent.

§116.15 POSTING.

Every licensee of residential rental property shall conspicuously post a receipted copy of the current license (in a frame with transparent cover) in a public corridor, hallway, or lobby of the rental property for which it is issued. For other than multiple dwellings, the licensee must post the license certificate in a frame with a transparent cover in such a manner so as to be easily viewed and readable at or near the front entrance of the building for which it was issued.

§116.16 INSPECTION ACCESS.

Property owners and their agents shall permit the enforcement officer to inspect all premises governed by this ordinance to determine if the building is operated as a rental property and/or to determine compliance with the provisions of this section, and shall fully cooperate with such inspections. The property owners or their agents shall make reasonable efforts to notify tenants of planned inspections of their rental units to the extent required by state law.

If an owner, occupant, or other person in charge of a dwelling, dwelling unit or a multiple dwelling fails or refuses to permit free access and entry to the structure or premises, or any part thereof, for an inspection authorized by this section, the enforcement officer may, upon a showing that probable cause (as the term is defined in *Camara v. Municipal Court*, 387 U.S. 523 (1967)) exists for the inspection or for the issuance of an order directing compliance with the inspection requirements of this section with respect to such dwelling, dwelling unit or multiple dwelling, petition and obtain an order to inspect and/or a search warrant from a court of competent jurisdiction. Except as specifically authorized to the contrary by the court in exigent circumstances, search warrants under this section shall be executed at reasonable times and after reasonable efforts to give the owner (or other person in charge) and the occupant at least five (5) days written notice of the date and time of the inspection authorized by the warrant. Property owners shall cooperate in the execution of all administrative search warrants and court orders, including providing access and entry to rented premises where directed to do so. An authorized representative of the property owner shall be present on the premises during inspections; however, failure of a property owner to comply with this requirement shall not deprive the City of the authority to inspect.

Failure of a property owner to obey any of the requirements of this subdivision shall subject the property owner to suspension or revocation of license, in addition to other remedies and/or penalties provided by law. Any such suspension or revocation shall continue until the inspection sought has been completed, any violations satisfactorily remedied and any outstanding fees or penalties have been paid.

§116.17 APPLICABLE LAWS.

Licensees shall be subject to all applicable rules, standards, statutes and ordinances; and this Section shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

§116.18 TENANT IDENTIFICATION.

Licensees are required to provide names of tenants occupying rental property when the City of Waterville, or a Peace Officer submits a written request.

§116.19 TENANT REQUESTED INSPECTION.

A tenant may at any time request an inspection of the rental property in which they currently reside. A fee for such inspection shall be imposed on the tenant only if the Council finds, by a preponderance of the evidence that the request was made in bad faith.

§116.20 RULES, POLICIES AND PROCEDURES.

The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this section. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this ordinance.

§116.21 INSPECTION STANDARDS.

| All rental property will be required to meet the basic standards set forth herein in appendix 116A and applicable City, County, State, Federal, and any of those entities' political subdivisions, Laws, Rules, Regulations, Ordinances, and or Statutes, to obtain and/or maintain a license pursuant to this ordinance.

§116.22 SEVERABILITY.

If any provision of this section or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this section shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby.

Inspection Standards if applicable

1. All minimum standards set forth in the current version of the Minnesota State Fire Code
2. House Numbers (min. 4" high, visible from street)(MSFC 505.1)
3. Maintained in clean and sanitary condition
4. Free from accumulation of rubbish and garbage
5. Rubbish and garbage placed in approved containers: 5 ft. from wall, roof eaves, and openings (MSFC 304.3.3)
6. Access to bedroom not through another bedroom
7. Accessible gas shut off valve
8. Clearances to combustibles maintained MSFC 315.2.2,304.1)
9. Safe, continuous and unobstructed path to public way (MSFC 1028.3.1028.5)
10. All fire detection, alarm & suppression devices are maintained & operable
11. Fire detection located outside bedrooms, in each bedroom & on each story (including basements)
12. Fire Alarms hardwired & interconnected in new construction
13. CO Alarms located within 10 ft of every bedroom (may be exempted if no gas appliances)
14. Grill on balcony/patio (must be 15' away from the building(MSFC)
15. Sprinkler connections/control valves are visible and or marked with strove and horn; (MSFC107.1,903.4.2)
16. Sprinkler/standpipes: have protective caps: (MSFC 107.1,903.3.7)
17. Proper Hardware/Locks on Egress Doors (MSFC 1008.1.8)
18. Fire Rated Doors on mechanical (20 minute rated door) (MSFC 705.3.1)
19. Mechanical Room Door compromised by vent hole/mail drop (MSFC 703.1)
20. Sprinkler-tested annually/copy of FD (MSFC 901.6,903.4.1)
21. Electrical boxes covered/No Storage within in 36 inches (MSFC 605.3)
22. Excessive storage in the boiler room/mechanical room (MSFC 315.2.3)
23. Combustible/flammable liquids/material stored inside a proper storage cabinet (MSFC Chapter 34)
24. Pull stations in working condition/not blocked (MSFC 907.4)
25. Extinguishers; tested and tagged/mounted by exits (MSFC 906)
26. Exit signs with battery backup in working condition: MSFC 1011.1
27. Emergency lights in working condition; (MSFC 1006.1,1006.3)
28. Hallway smoke detectors in working condition (MSFC 907.3.5)
29. Alarm panel tested annually (MSFC 907.20.2)
30. Proper hand rails-no more than 30 inches off the floor (MSFC 1027.13)
31. One Hour rated enclosures under the stairway (5/8 inch sr), (exception-single family) MSFC 1009.5.3

32. Holes in sheetrock/fire stop (MSFC 703.1
33. Self-closers on laundry room door/(20 minutes) rated door (MSFC 703.2,1008.1.8.3)
34. Dryers properly vented to the exterior with metal piping (MSFC 102.7,304.1.603.1,605.7
35. Electrical
 - A. All outlets/switch plates covers present.
 - B. All exposed wires concealed.
36. Security
 - C. Locks on ground floor windows/doors.
 - D. Exterior door locks
37. Flooring free of holes, cracks tripping hazards.
38. Stove/Oven/Range
 - E. All burners/oven elements operable
 - F. Door gasket in good condition.
39. Refrigerator operable, secure gaskets and handles.
40. Basement Bedrooms. All sleeping rooms must have compliant egress windows and doors.
41. Tub/Shower/Toilet must be operable
42. Ventilation. Operable bathe fans are required if there is not a bathroom window.
43. Stairs & Porches.
 - G. Secure carpeting on stairs.
 - H. Handrails on all stairways over 3 risers.
 - I. Decks/porches in good condition
44. Water Heater
 - J. Free of leaks/rust.
 - K. Pressure relief vale no more than 18 inches off the floor.
45. Furnace/Air Conditioner. Venting free of rust and units operable.

Appendix 116A

This Ordinance becomes effective_____, 2015.

Passed by the City Council of Waterville on _____, 2015.

Stephen Mihalik, Mayor

Teresa Hill, Administrator-Clerk

First Reading: August 6, 2015

Public Hearing: September 1, 2015

Second Reading: September 1, 2015

Date Published: _____