

**CITY OF WATERVILLER
LE SUEUR, COUNTY MINNESOTA
ORDINANCE NUMBER 117**

**AN ORDINANCE REGULATING THE LICENSING OF RESIDENTIAL
RENTAL DWELLING IN THE CITY OF WATERVILLE**

TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE, THE CITY COUNCIL FOR THE CITY OF WATERVILLE, LE SUEUR COUNTY, MINNESOTA DOES HEREBY AND HEREIN ORDIAN AS FOLLOWS:

BE IT ORDAINED, by the Mayor and City Council of the City of Waterville, County of Le Sueur, Minnesota as follows:

SEC. 1: RESIDENDIAL RENTAL PROPERTY REGISTRATION AND LICENSING

Subd. 1. Purpose. The City recognizes a need for an organized inspection program of residential units within the City in order to establish 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 for compelling both absentee and local landlords to correct violations and properly maintain rental property within the City. 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.

Subd. 2. Definition. The term "residential rental property" means 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 by any person to any other person or persons for use for residential purposes by such other person or persons. Residential rental property does not mean on-campus dormitories, hospital units, nursing home units, assisted living units, and licensed hotels, motels, rental cabins at campgrounds, or any owner occupied rental property being rented to immediate family, located within the City, all of which shall be specifically exempt from registration and license under this Section.

Subd. 3. Registration and License Requirements. It is unlawful for any person, as the owner, manager, or other person having control of any dwelling unit, to lease, rent, offer for rent or lease, 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. Initial registration and renewal 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. In cases where the property is subject to a Contract for Deed, the Contract for Deed Vendee shall be considered the owner for the purposes of this ordinance.

- B. The name, phone number, and address of any person authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
- C. The street address of the rental property.
- D. The maximum number of occupants for each dwelling unit or sleeping room.
- E. Off-Street parking arrangements.
- F. Whether or not the applicant(s) has ever been convicted of a criminal offense, excluding traffic offenses, and date, place, and nature of the offense.

It is a misdemeanor for any person to intentionally make any false statement or to intentionally omit any required information in the completion of any application form. Any such false statement or omission shall render the application, and any license issued pursuant thereto, invalid and of no effect.

Subd. 4. Fees. There shall be a per license fee for each rental property to be paid every two years on the following fee schedule in conformance with the City's fee schedule:

- Single Unit - \$30.00
- Two Rental Units - \$45.00
- Three Rental Units - \$60.00
- Four Units - \$75.00
- Over four units \$75.00 plus \$10.00 per rental unit over 4.

This license and inspection fee may be amended from time to time by Council resolution in conformance with the City's fee schedule.

It is the intent of the City Council that for the initial round of licenses in 2017 that the City of Waterville pick up the cost for the first inspection and the first re-inspection. Starting in 2018, any re-inspection costs are the sole responsibility of the Applicant pursuant to Subd. 7.

Subd. 5. Manner of Registration and Renewal

- A. The owner or his designated agent shall make initial registration for residential rental property existing on the effective date of this Section by personally filing a registration statement at City Hall no later than August 1, 2017. Registered rental property existing on the effective date shall receive an interim license until such time as an inspection can first be made.
- B. Each license issued pursuant to this Section shall expire on the 31st day of December of the 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 each year. Failure to receive a renewal statement from the City shall not excuse the owner from meeting the license requirements. Renewal statements must be returned to City Hall by October 31 of each year. Failure to return renewal form will result in an administrative penalty of \$20. Statements and/or fees over 30 days past due shall result in automatic cancellation of license and shall be handled as if the property were a

new licensee.

- C. If there is a change in the type of occupancy from the type stated in the registration statement, a new registration statement and license will be required to be filed at City Hall within 30 days of the date of the change.
- D. A renter may at any time request an inspection of the rental property that shall be conducted initially at the renter's expense. If a violation of health or fire codes is found to exist, the cost of said inspection shall be reimbursed to the renter by the licensee in the form of a rent abatement.

Subd. 6 Method and Manner of Certification. Upon receipt of a registration statement, the City shall refer the application for an inspection. The inspection will be done by either a licensed firm as designated by the City Council. The purpose of the inspection is to ensure that all rental unit(s) meet and are compliant with the inspection standards of this ordinance.

Each rental unit will be inspected every two years. The City's officer or agent charged with the duty of making the investigation of inspection shall make a report thereon, after receiving an initial registration or a copy thereof; and said inspection and investigation shall be made within a reasonable time. No license shall be issued if the premises and building do not fully comply with the requirements and inspection standards of this ordinance.

Exceptions to inspection schedule. Any rental properties that are inspected by the State of Minnesota Fire Marshall's office, by a State of Minnesota Building Code Division inspector or a certified inspector from the Office of Housing and Urban Development are exempt from City Inspections as long as they provide their inspection compliance certificate to the City of Waterville when filing their annual registration application.

Subd. 7. Method of Correction. Whenever the inspector determines that any residential rental property fails to meet the requirements set forth in this Section or any other City Code provision, the inspector shall issue a notice setting forth the violations and ordering the owner, occupant, or agent to correct such violations. This notice and order shall:

- A. Be in written form; describe the location and nature of the violation; establish a reasonable time for the correction of any violation; be served upon the owner or his agent, 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 or designated agent personally; or (2) Sent by first-class mail to the owner's or designated agent's last known address, or if (1) and (2) fail, (3) Posted in a conspicuous place on the dwelling affected.
- B. If corrections are required in order to obtain or retain a rental property license, any re-inspection fee shall be the responsibility of the property owner.

Subd. 8. Transfer of Property. Every new owner of residential rental property (whether as fee owner or contract purchaser) shall be required to furnish to City Hall, the new owner's name, address, and phone number and the name, address, and phone number of the owner's designated agent upon closing of the transaction. No license fee shall be

required of the new owner during the year in which the property is purchased provided that the previous owner has paid all license fees, has complied with all requirements of this Section, and has corrected any violations of the City Code.

Subd. 9. License Suspension or Revocation.

- A. Notification. Prior to suspension or revocation, the licensee (or his/her designated agent) and all occupants of units potentially subject to suspension or revocation, shall be notified in writing pursuant to the terms of this Ordinance at least twenty (20) days prior to a hearing on the matter.
- B. Hearing. A hearing shall be held before the Council. The hearing shall be conducted to meet the licensee and occupant's due process rights, including:
 - (1) Allowing interested parties, or their attorneys, the right to present evidence, witnesses and to cross-examine all adverse witnesses, and
 - (2) Making a complete record of all proceedings, including findings of fact and conclusions of law.
- C. Suspension or Revocation. Every operating license issued under the provisions of this Ordinance is subject to suspension or revocation for the entire rental dwelling or for individual rental dwelling units, by the City Council, should the licensee fail to properly license the rental unit. A rental license may also be suspended or revoked for any of the following reasons:
 - (1) The license was procured by misrepresentation of material facts, by fraud, by deceit, or by bad faith.
 - (2) The applicant or one acting on his/her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
 - (3) The activities of the licensee create a serious danger to the public health, safety, or welfare.
 - (4) Failure to pay any fee herein provided for.
 - (5) Failure to permit any officer or employee of the City charged with the duty of making inspections or enforcing any City Code provisions, access to the premises at a reasonable hour to determine whether the facilities conform with the provisions of this Section.
 - (6) Violation by the certified owner or anyone operating there under, of any City Code provisions or laws of the State of Minnesota relating, pertaining to, or governing, the license and the premises.
- D. Effect of Suspensions. In the event a rental license is suspended by the City Council it shall be unlawful for the owner or his/her duly authorized agent to thereafter permit any new occupancies of vacant, or thereafter vacated rental units, until such time as a valid rental license is restored to the affected units. Effect of Revocation. In the event a rental license is revoked by the City Council it shall be unlawful for the owner or his/her duly authorized agent to thereafter permit occupancies of the rental unit(s).
- E. A suspended license may, in the City Council's discretion, be reinstated when the circumstances leading to the suspension have been remedied and a reinstatement and inspection fee as set by Council resolution has been paid. After a license has been revoked, a new license may be issued to the revoked owner only if the

circumstances leading to the revocation have been remedied, a new registration is made, and an additional reinstatement and inspection fee as set by Council resolution has been paid.

Subd. 10. Failure to Grant Registration. The City reserves the right not to register a unit unless the rental unit(s) for which registration is sought complies with the State of Minnesota Fire Code and all City Ordinances. If the City does not issue a license or the license is revoked, the owner is prohibited from renting the unit(s) until a license is received.

Subd. 11. Failure to Obtain License. It is a violation of this ordinance for any person or corporate entity to rent a rental property unit without first obtaining a license under this ordinance.

Subd. 12. Maintenance of Records. All records, files, and documents pertaining to the Rental License Program shall be maintained at City Hall and made available to the public as allowed or required by State law and City Code provisions.

Each licensee, or the licensee's designated agent, shall, upon the demand of either the Fire Chief or the Chief of Police immediately supply the same with a tenant rental roll documenting the name of the name of the tenant(s), telephone number for the same, and the unit upon which the tenant resides.

Subd. 13. Refuse Removal and Recycling.

- A. Duty to provide removal. The license holder of each dwelling unit within the City rented or offered for rent for residential purposes shall provide for such dwelling unit refuse and garbage removal service, whereby refuse and garbage shall be removed from the premises upon which such dwelling unit is located at least once every seven days.
- B. Failure to comply with the requirements of this section may result in suspension or revocation of the dwelling unit rental license.

Subd. 14. Conduct on Licensed Premises.

1. It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest of the occupant(s) which is in violation of any of the following statutes:
 - a. Minn. Stat. 609.75-609.76, which prohibit gambling,
 - b. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto.
 - c. Minn. Stat 152.01 through 152.025, and 152.027, Subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
 - d. Minn. Stat 340A.401, which regulates the unlawful sale of alcoholic beverages.
 - e. Minn. Stat. 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.

- f. Minn. Stat. 609.72, which prohibits disorderly conduct.
2. The City Administrator or his/her designee shall be responsible for enforcement and administration of this action.
 3. Upon determination by the City Administrator that a licensed premises or a dwelling unit was involved in a violation of Subsection 1 above, 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 of Subsection (1).
 4. Upon a second violation within twelve (12) months of Subsection 1 involving a guest or an occupant of a dwelling unit, the notice provided under Subsection 3 of this section shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. 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 to the Subsection (1) within the preceding twelve (12) months. If the licensee fails to comply with the requirements of the subsection, the rental dwelling license for the individual dwelling 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.
 5. If a third or subsequent violation of Subsection (1) involving a guest, of or an occupant of, a dwelling unit occurs within twenty-four (24) months 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 and upon written notice to the licensee.
 6. A determination that the licensed premises or dwelling unit has been used in violation of Subsection (1) shall be made by the Council upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to Section (1), nor shall a dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section.

Subd. 15. Inspection Standards. All rental property shall meet the following inspection standards:

1. The rental unit shall comply with all provisions of the MN State Fire Code in existence at the time of the inspection.
2. The presence and proper placement of smoke detector(s); 1 on each level and 1 within 10 feet of each bedroom. In the event that the bedroom has a door, there shall be a smoke detector placed inside the bedroom.
3. Each unit shall have access to a fire extinguisher. Fire extinguishers shall be a

minimum classification of one 2A10BC (Class ABC) and shall be located within 75 feet walking distance from any dwelling unit. Each level shall have its own extinguisher. All fire extinguishers must be checked annually by the rental license holder to insure that they are fully charged and operable. Extinguishers found to be inoperable must be repaired by a professional fire extinguisher service company or replaced.

4. Two exits from each sleeping area (Door and egress window, or two doors).
5. Proper ceiling height (7 feet minimum clearance).

Habitable space including a kitchen with a fully operable and safe stove; refrigerator capable of safely storing food; sink and faucet capable of providing both hot and cold water; and cabinets to safely store food and other necessities. A bathroom space including a fully operable sink capable of providing both hot and cold water; safe and operable toilet; shower or tub capable of providing hot and cold water; and a cabinet to safely store medicines and other necessities.
6. All plumbing is in good and operable condition and fit for the use intended.
7. Safe and properly maintained electrical services with no exposed wiring. All outlets must be covered.
8. Overall structural safety; structure must be structurally sound. There are to be no holes in foundation walls greater than one-half-inch (1/2 inch). Any decks must be safe and must be fit for its intended purpose and support loads intended for it and protected against decay.
9. All gutters (if any) shall be in good condition and shall be fit for their intended purpose.
10. All fences (if any) shall be in good condition and protected against decay. There is not to be more than 10% of the exterior surface with chipped or peeling paint.
11. All accessory structures (if any) shall be in good condition, fit for its intended purpose, structurally sound, and protected against decay. In addition, there is not to be more than 10% of the exterior surfaced with chipped or peeling paint.
12. Handrails and guards on stairways and porches where there are 4 or more risers.
13. All Appliances must be in good, safe working condition and fit for its intended use.

14. Proper weather protection. There are to be no holes in siding, missing siding, or holes or leaks in siding or roofs. In addition, there is to be no more than 10% of the exterior surfaced with chipped or peeling paint.
15. Proper slope away from building for adequate drainage. The structure is not to hold standing water.
16. For multi-family units having a common entry door, the door shall be in good condition, fully operable, and fit for its intended use, however, the common entry door does not need to be locked and secured. All individual unit doors, however, must be fully operable with functioning entry doors with locks on them, they shall be in good condition, and fit for their intended use. Interior unit doors shall be in good condition, fully operable, and fit for its intended use.
17. Full compliance with all existing zoning ordinances.
18. All parking shall be on a gravel or impervious surface. For gravel, there must be sufficient gravel in place so as to prevent grass and weeds from growing through the gravel.
19. All plumbing must have proper backflow protection.
20. Property is not a nuisance property as defined by the Waterville City Code of Ordinances pertaining to Nuisances.
21. A tight roof that does not allow water in the structure.
22. Fully operable windows. There are to be no broken windows. In addition, all screens shall be in good working order and fit for their intended use.
23. All mechanical (HVAC) is in good and operable condition and fit for its intended use.
24. Fully operable safe water heater fit for its intended use.
25. Combustible material shall not be stored in boiler, mechanical, or electrical rooms.
26. There shall be a minimum of 3 feet clearance between ignition sources, such as hot water heaters, space heaters, or flame producing devices and combustible storage.

Subd. 16. Posting.

Subd. 1. All Licensees must post on the rental premises a copy of their rental license.

Subd. 17. Penalty.

Subd. 1. Any violation of this Ordinance is a misdemeanor, punishable by up to 90 days in the County Jail, a fine of up to \$1000, or both.

Subd. 2. It is a misdemeanor for any person to prevent, delay, or provide false information to any city official, or his/her representative, while they are engaged in the performance of their duties as set forth in the Ordinance.

Subd. 3. In addition to bringing criminal charges for violation of this Ordinance, the City of Waterville may seek a civil injunction against any licensee or occupant who violate any terms of this Ordinance.

After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

ADOPTED this _____ day of _____, 20____, by the City Council of the City of Waterville.

CITY OF WATERVILLE

By:

Mayor Alan Schmidtke

ATTEST:

Teresa K. Hill, City Clerk/Administrator

City of Waterville Rental Inspection Checklist

The following is a general list of the procedures to follow to obtain a City of Waterville Rental Certificate.

Before a certificate can be issued, the city inspector must inspect each rental unit accompanied by the owner or his/her agent. If there are any necessary repairs and/or improvements noted, they must be completed before a Rental Certificate can be issued. Following is a list of **SOME** of the items the inspector will be checking for.

The rental unit shall comply with all provisions of the MN State Fire Code in existence at the time of the inspection.

The presence and proper placement of smoke detector(s); 1 each level, 1 each bedroom, and 1 outside each bedroom(s).

The presence of an up to date and fully operable fire extinguisher in each rental unit.

Two exits from each sleeping area (Door and egress window).

Proper ceiling height (7 feet minimum clearance).

Habitable space including a kitchen with a fully operable and safe stove; refrigerator capable of safely storing food; sink and faucet capable of providing both hot and cold water; and cabinets to safely store food and other necessities. A bathroom space including a fully operable sink capable of providing both hot and cold water; safe and operable toilet; shower or tub capable of providing hot and cold water; and a cabinet to safely store medicines and other necessities. A sleeping room of at least 64 square feet (8 feet x 8 feet) with each additional sleeping room being at least 64 square feet of area.

All plumbing is in good and operable condition and fit for the use intended.

Safe and properly maintained electrical services with no exposed wiring. All outlets must be covered.

Overall structural safety; structure must be structurally sound. There are to be no holes in foundation walls greater than one-half-inch (1/2 inch). Any decks must be safe and must be fit for its intended purpose and support loads intended for it and protected against decay.

All gutters (if any) shall be in good condition and shall be fit for their intended purpose.

All fences (if any) shall be in good condition and protected against decay.

All accessory structures (if any) shall be in good condition, fit for its intended purpose, structurally sound, and protected against decay. In addition, there is not to be more than 10% of the exterior surfaced with chipped or peeling paint.

Handrails and guards on stairways and porches where there are 4 or more risers.

All Appliances must be in good, safe working condition and fit for its intended use.

Proper weather protection. There are to be no holes in siding, missing siding, or holes or leaks in siding or roofs. In addition, there is to be no more than 10% of the exterior surfaced with chipped or peeling paint.

Proper slope away from building for adequate drainage. The structure is not to hold standing water.

Fully functioning locks on exterior doors for tenant security. All doors must be in good condition and fit for the use intended.

Full compliance with all existing zoning ordinances.

All parking shall be on a gravel or impervious surface. For gravel, there must be sufficient gravel in place so as to prevent grass and weeds from growing through the gravel.

All plumbing must have proper backflow protection.

Property is not a nuisance property.

A tight roof that does not allow water in the structure.

Fully operable windows. There are to be no broken windows. In addition, all screens shall be in good working order and fit for their intended use.

All mechanical (HVAC) is in good and operable condition and fit for its intended use.

Fully operable safe water heater fit for its intended use.

The above list shall **NOT** be considered complete. Rather, it is the City's intention to provide landlords with a general list of areas and items to be inspected. The premises must comply with all provisions of the Minnesota State Fire Code.

Building Inspector - phone number
City of Waterville, City Hall – 507-362-8300

City of Waterville

200 South Third Street
Waterville, MN 56096

Telephone: 507-362-8300

RENTAL PROPERTY LICENSE APPLICATION

Rental Property Street Address: _____

Number of Units: _____, Number of Bedrooms Per Unit: _____

Company Name (If Applicable): _____

Name of Property/ Company Owner: _____

Property Owner / Company Address: _____

City, State, ZIP: _____

Phone: _____ Alternate Phone: _____

Name of Property Manager / Property Agent: _____

Property Manager / Property Agent Address: _____

City, State, ZIP: _____

Phone: _____ Alternate Phone: _____

Insurance Company: _____ Policy No. _____

Insurance Company's Phone: _____

Agent's Name and Phone No: _____

Applicant's Signature Date

Police Chief Signature Date

Building Inspector Signature Date

City Administrator's Signature Date

Total Fees: _____ Date Paid: _____ Expires: _____
Issue Date: _____ License # _____