

## ORDINANCE NO. 44

### RENTAL HOUSING MAINTENANCE

THE PURPOSE OF THIS ORDINANCE IS TO ENHANCE THE SUPPLY OF SAFE, SANITARY AND ADEQUATE HOUSING FOR THE CITIZENS OF ROYALTON AND TO PREVENT THE DETERIORATION OF EXISTING HOUSING. THE OBJECTIVES OF THIS ORDINANCE INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

(a) Protection and preservation of the stability and residential character of residential areas in the City.

(b) The prevention and correction of housing conditions that adversely affect the life, safety, health and general well being of persons occupying rental dwellings in the City.

(c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure the health and safety of occupants of rental dwellings.

(d) The establishment of minimum standards for the maintenance of rental dwellings.

(e) The prevention of the emergence of blighted and deteriorating housing in the City.

(f) The prevention of overcrowding of rental dwellings.

(g) The preservation of the value of land and buildings in the City.

#### SECTION 1. DEFINITIONS.

(a) BASEMENT. A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(b) BOARD OF ADJUSTMENT. The Royalton City Council shall act as the Royalton Board of Adjustment.

(c) CELLAR. A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(d) COMPLIANCE ORDER. An order issued by the rental property inspector instructing the rental property owner to bring the rental premise up to standards as defined in the Rental Housing Maintenance Ordinance.

(e) DWELLING. Any building , including a manufactured home, which is wholly or partially used or intended to be used for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a dwelling.

(f) DWELLING UNIT. Any building, room, or group of rooms, including a manufactured home, located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by human occupants.

(g) EXTERMINATION. 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 methods approved by the city.

(h) GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(i) HABITABLE ROOM. A room or enclosed floor space used or intended to be used for the purposes of living or sleeping, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces. A room or enclosed floor space used or intended to be used for the purposes of cooking or eating shall be considered as a room or space being used or intended to be used for the purpose of living under this definition.

(j) INFESTATION. The presence, within or around a dwelling, of any insects, rodents, or other pests.

(k) INSPECTOR. Police Chief, or other person designated by the City Council.

(l) LOCAL PROPERTY MANAGER. A local property manager is a person residing within 50 miles of the City of Royalton who is authorized by the rental property owner to make decisions for the owner about rental, occupancy and maintenance of the rental property.

(m) MULTIPLE DWELLING. Any dwelling containing 2 or more dwelling units.

(n) OCCUPANT. Any person over 1 year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling unit.

(o) OPERATOR. Any person who has charge, care, or control of a building or part thereof in which dwelling units are let.

(p) ORDINARY MINIMUM WINTER CONDITIONS. The temperature 15 °F above the lowest recorded temperature for the previous 10-year period.

(q) OWNER. Any person who alone, jointly, or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such persons thus representing the actual owner shall be bound to comply with the provisions of this section and of any rules and regulations adopted pursuant thereto, to the same extent as if they were the owner.

(r) PLUMBING. Any of the following supplied facilities and equipment, gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

(s) REGISTRANT. The person or persons who have registered the rental property with the City or Royalton.

(t) RENTAL. The leasing of a rental unit to a non-owner for a fixed or non-fixed period of time and shall include lease to buy, contract for deed, installment sales, purchases whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure and other similar procedures.

(u) RENTAL UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit.

(v) RUBBISH. Combustible and noncombustible waste materials except garbage, and the term shall include, but not be limited to the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

(w) STATE CODES. The Minnesota State Building Code as adopted by City of Royalton.

(x) SUBSTANTIATED DISORDERLY CONDUCT. Conduct for which a police citation was issued based upon probable cause.

(y) SUPPLIED. Paid for, furnished, or provided by or under the control of the owner or operator.

(z) TEMPORARY HOUSING. Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

## SECTION 2. APPLICATION.

(a) This ordinance applies to buildings, their premises, accessory structures thereto and dwelling units therein, used or designed to be used as rented residences by tenants. All rental premises lawfully existing on the effective date of this ordinance and registered as provided herein, need not be altered to comply with City Code, except in the following cases:

- (1) If a portion of the building is altered, that portion must be built pursuant to the codes in effect at the time of alteration.
- (2) If the building is moved or relocated.
- (3) If the building or a portion thereof is determined to be unsafe or hazardous by the Building Official, pursuant to this Ordinance, State Codes or State Law, that portion deemed unsafe must be corrected to current Codes.
- (4) If the rental premise's occupancy exceeds the standards of State Codes.

## SECTION 3. SERVICE EQUIPMENT AND UTILITIES.

(a) Except as otherwise provided by law, an owner or operator of a rental premises may not cause service equipment or utility service to be removed, shut off or discontinued for any occupied rental premises, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies or if there is an outstanding utility bill that is 30 to 60 days or more over due. The owner of the rental property is responsible for all City of Royalton utility bills.

## SECTION 4. TRANSFER OF RESPONSIBILITY.

(a) A contract between owner and operator, operator and occupant, or owner and occupant, with regard to compliance with this Ordinance, does not relieve the owner or operator of duties imposed by this Ordinance.

## SECTION 5. NOTICE OF MAXIMUM OCCUPANCY.

(a) An owner or operator must advise the occupant, in writing, of the maximum number of occupants permitted in the rental premises. The maximum number of occupants shall not exceed the limits of State Codes.

## SECTION 6. REGISTRATION OF RENTAL UNITS.

(a) General Rule: It is unlawful to operate a rental premises without first having the rental premises registered and inspected. All newly constructed rental premises must be registered prior to being rented.

(b) Operation of Rental Premises While Registration Revoked or Suspended: It is unlawful to operate a rental premises while the registration for said premises is revoked or suspended. The rental premise must also be inspected before renting.

(c) Property Manager: Each rental premise must have an owner who resides within 50 miles of the City of Royalton, or a Local Property Manager designated in writing by the owner who resides within 50 miles of the City of Royalton.

(d) Information: Applications for registration must be made by the owner of the rental premises. The following information must be supplied:

1. Name, address and telephone number of rental premises owner, owners partners if a partnership, corporate officers if a corporation;
2. Name, address, and telephone number of a designated local property manger, if any;
3. Legal and street address of the dwelling;
4. Number of dwelling units within the dwelling; and
5. The maximum occupancy of the premises.

(e) Notice of Change: The registrant must give notice in writing to the City within (5) business days after any change of the information in the application.

(f) Transfer: The registrant must give notice in writing to the City within (5) business days after having legally transferred or otherwise disposed of the effective control of a registered rental premises. The notice must include the name and address of the person succeeding to the ownership or control of the rental premises. For purposes of this subdivision the term "effective control" means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property.

(g) Rental Registration License: The license fee for registration of all rental premises shall be fixed and determined by the City Council, adopted by resolution. Such rental registration license fees may, from time to time, be amended by the Council by resolution.

(h) Background Checks: All registered owners of licensed rental premises shall be entitled to criminal history background checks of convictions for prospective tenants through the Royalton Police Department. The fee for this service shall be set by resolution by the Royalton City Council.

## SECTION 7. INSPECTIONS AND INVESTIGATIONS.

(a) There will be one initial inspection of all rental units within the City of Royalton. All newly constructed rental units shall be exempt from inspections for (5) five years unless a formal written complaint is filed by a tenant or a request is made by the owner of the rental unit. The cost of the inspection shall be paid by the rental property owner. The amount of the inspection shall be set by the City Council by resolution. Said resolution shall be on file with the City Clerk. All other inspections shall take place after a formal written complaint has been made by the occupant of the rental unit. If no violation is found the occupant of the rental unit will pay the inspection fee.

(b) The Police Chief, or any other person designated by the City Council are hereby authorized to make inspections reasonably necessary for the enforcement of this

ordinance. During the inspection the person designated by the City Council shall use the Cities Rental Property Inspection Checklist. This checklist will be reviewed by the planning and zoning commission by the third regularly scheduled meeting of the even numbered years or as required by law. Fees for making inspections shall be set by and altered by the City Council.

(c) All persons authorized herein to inspect shall have the authority to enter, with a 24-hour notification to the landlord unless consent to enter is granted either from the landlord or the tenant, any dwelling, dwelling unit, rental dwelling or rental unit pursuant to the provisions of this section.

(d) Persons inspecting any dwelling, dwelling unit, rental dwelling, or rental unit as provided herein shall notify the owner of all violations, if any, by written notice. The notice shall direct that compliance be made within a reasonable time not to exceed 60 days, unless extended by the compliance official based on good cause. The dwelling, dwelling unit, rental dwelling, or rental unit shall be reinspected.

(e) NOTICE OF VIOLATION: A notice of violation shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon the owner personally or if the owner is served with such notice by any other method authorized or required under the laws of this state.

(f) HEARING: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section or of any rule or regulation adopted pursuant hereto may request and shall be granted a hearing on the matter before the Board of Adjustment, provided that such person shall file with the city a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the date the notice was served upon the person. Upon receipt of such petition, the city shall set a time and place of such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced by the city within a reasonable time, not to exceed 30 days after the date on which the petition was filed, except that, upon request of the petitioner, a postponement of the date for hearing beyond the 30 days could be granted by the city for good cause shown.

(g) ORDER OF THE BOARD: After such hearing, the Board of Adjustment shall sustain, modify, or withdraw the notice depending upon its finding as to whether the provisions of this section and any rules and regulations adopted pursuant hereto have been complied with. If the Board of Adjustment sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed with the city within 10 days after such notice is served. The decision of the Board of Adjustment shall be final.

(h) RECORDS AT HEARING: The proceedings at any hearing, including the findings and decision of the Board of Adjustment, shall be summarized, reduced to writing, and entered as a matter of public record with the city. Such record shall also include a copy of every notice or order issued in connection with the matter.

(i) EMERGENCY ACTION: Whenever the Police Chief, or other designated person finds that an emergency exists which requires immediate action to protect the public health, the city, Police Chief, or other designated person may, without notice or hearing, issue an order citing the existence of such an emergency requiring that such action be taken as deemed necessary to meet the emergency and if deemed necessary, closing off all or a portion of a rental dwelling or rental unit until the emergency condition causing the emergency is corrected. Notwithstanding the other provisions of this section, such order shall be effective immediately. Notice of the emergency action shall be posted at the units or areas of the dwelling or dwelling units affected and shall be served upon the owner or agency as set forth herein. No person shall remove the posted notice other than the Police Chief, or other designated person. Any person to whom such order is directed shall immediately comply therewith, but upon petition to the city shall be afforded a hearing as soon as possible. After such hearing and depending upon whether compliance with the provisions of the section and of the rules and regulations adopted pursuant hereto is found, the city may continue such order in effect or modify or revoke it.

(j) FURTHER ACTIONS OR INJUNCTIVE RELIEF: Nothing in this section shall prevent the city from taking affirmative action under any of its city fire, housing, zoning, or other health safety codes or any other state or federal statutes or laws for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of a particular ordinance or code under which the city would proceed against the property owner, designated property administrator, or occupant of any residential rental dwelling unit covered by these registration and inspection requirements. Nothing contained in this section shall prevent the city from seeking injunctive relief against a property owner or designated property administrator who fails to comply with the terms and conditions of this chapter on registration to obtain an order closing such rental units until violations of this particular section or other section of this ordinance have been remedied by the property owner or designated property administrator.

(k) PENALTY: A person found to be in violation of this section is guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

(l) The city may also enforce this section administratively in the following manner:

(1) First violation. Violators shall pay an administrative penalty of \$250 and bring the dwelling, dwelling unit, or premises into compliance as required under this section within 30 days or such other time period as may be designated under this section.

(2) Second violation. Violators shall pay an administrative penalty of \$500 and bring the dwelling, dwelling unit, or premises into compliance as required under this section within 30 days or such other time period as may be designated under this section.

(3) Third violation. Violators shall pay an administrative penalty of \$1,000 and bring the dwelling, dwelling unit, or premises into compliance as required under this

section within 30 days or such other time period as may be designated under this section, or suspension, revocation, or refusal to renew registration of a rental unit or such other provisions as set forth in this section.

#### SECTION 8. RESTRICTIONS ON TRANSFER OF OWNERSHIP.

(a) It is unlawful for the owner of a rental premises upon whom a Compliance Order has been served, to sell, transfer, or lease or otherwise dispose of the rental premises until the Compliance Order has been complied with, unless the owner furnishes to the buyer or lease a true copy of any Notice of Violation or Compliance Order and obtains and possesses a receipt of acknowledgment. A person other than a tenant obtaining an interest in the rental premises who has received notice of the existence of a Compliance Order is bound by the order without further notice and is subject to the penalties and procedures provided by this Chapter.

#### SECTION 9. CONDUCT ON REGISTERED PREMISES.

(a) It shall be the responsibility of the occupant to conduct themselves in such a manner as not to cause the premises to be disorderly. It shall be the responsibility of the owner to maintain the premises in an orderly fashion as provided herein.

(b) Upon determination by the City that an instance of substantiated disorderly conduct occurred on a registered premises, the City shall give notice to the registrant and occupant of the violation and direct the registrant and occupant to take steps to prevent further violations.

(c) If another instance of substantiated disorderly conduct, occurs on the registered premises within three (3) months of an incident of substantiated disorderly conduct for which a notice was given, the City shall notify the registrant and occupant of the violation and shall also require the registrant and occupant to submit a written report of the actions taken, and proposed to be taken, by the registrant and occupant to prevent further disorderly conduct of the premises. This written report shall be submitted to the City Clerk within five (5) days of receipt of the Notice of Disorderly Use. The report will include a response to all Notices of Disorderly Use on the premises within the preceding three (3) months.

(d) If another instance of substantiated disorderly conduct on the registered premises occurs within three (3) months after any two (2) previous instances of substantiated disorderly conduct for which notices were given to the registrant and occupant pursuant to this Chapter, the City may revoke or suspend the rental premises registration until such time as the owner and occupant have satisfied the City that the condition giving rise to the complaint has been corrected.

(e) No adverse action shall be imposed upon the registrant where the instance of disorderly use of the registered premises occurred during a pendency of eviction proceedings.



(f) A determination that the registered premises have been used in a disorderly manner shall be made upon a fair preponderance of the evidence to support such a determination. The fact of dismissal or acquittal of criminal charge shall not operate as a bar to adverse license action under this Chapter.

(g) Disorderly conduct shall not include police calls made by one resident of a rental premises for protection from others, nor shall it include police calls made by residents of rental premises to report crimes.

#### SECTION 10. EXECUTION OF COMPLIANCE ORDERS.

(a) Upon a failure to comply with a Compliance Order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council after due notice to the owner may by resolution cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy together with the cost of prosecution is a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, for any of the reasons set forth in Section 429.101, Subdivision 1, and specifically for the removal or elimination of public health or safety hazards from private property. The assessment will be payable in a single installment. It is the intent of this Section to authorize the City to utilize all of the provisions of Section 429.101 to promote the public's health, safety and general welfare. The City may revoke or suspend a rental premises permit for failure to comply with a Compliance Order.

#### SECTION 11. CONDITION OF RENTAL PREMISES.

(a) All properties used as rental premises, except as specifically exempted by Section 2, shall conform to the following requirements, [current international property maintenance code](#) and to the state codes.

##### (b) Exterior of Rental Premises

1. Sanitation: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The accumulation of rubbish, trash, garbage and debris around the rental premises shall not be permitted.

2. Grading and Drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon or within any structure located thereon, except for water retention areas or reservoirs.

3. Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

##### (c) Rubbish and Garbage:

1. Accumulation of Rubbish or Garbage: All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

(d) Manufactured Homes:

1. All manufactured homes used as rental premises, including mobile homes and trailers, shall conform to the U.S. Department of Housing and Urban Development, (HUD) codes in effect for the year of their manufacture and shall be in good repair.

SECTION 12. PENALTY.

(a) Any person, firm, corporation, or partnership who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor. Each violation of this ordinance shall constitute a separate offense.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: 9/2/14

Carol Madsen  
CLERK

Andrea Lauer  
MAYOR