

Ordinance No. 1204.000

AN ORDINANCE PROVIDING FOR THE REGULATION OF
RENTAL PROPERTY IN THE CITY OF EDEN VALLEY

THE CITY COUNCIL OF THE CITY OF EDEN VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12 of the Eden Valley City Code is amended by adding the following new section 1204.

CITY OF EDEN VALLEY RENTAL CODE

Section 1204.000. Purpose .

Subd 1. Purpose: The purpose of this ordinance is to protect the public health, safety and the general welfare of the people of the City. These general objectives include, among others, the following:

- a. to protect the character and stability of residential areas within the city;
- b. to correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of person occupying dwellings within the City of Eden Valley;
- c. to provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings;
- d. to provide minimum standards for light and ventilation, necessary to health and safety;
- e. to prevent the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit;
- f. to provide minimum standards for the maintenance of existing residential buildings, and to thus prevent slums and blight;
- g. to preserve the value of land and buildings throughout the City of Eden Valley;
- h. to ensure that rental property does not strain public utilities and City staffing resources.

Subd 2. Savings Clause: With respect to rental disputes, and except as otherwise specifically provided by the terms of this Ordinance, it is not the intention of the City to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord that are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City Government. Neither, in enacting this Ordinance, is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy. In the event any provision or part of this Ordinance is determined to be void or unenforceable, the remainder of the Ordinance shall remain in effect.

Section 1204.010. Definitions: The following words and phrases shall have the meanings given them in this ordinance:

- a. Building: Shall mean any structure used or intended for supporting or sheltering any use or occupancy.
- b. Dwelling Unit: Consists of one (1) or more rooms that are arranged, designed, or used as living quarters for rent. Each room or group of rooms shall be a separate dwelling unit. A rooming house shall be considered a single dwelling unit, but may charge a fee based on the number of sleeping rooms. A structure that is self-enclosed and arranged designed and used as living quarters to a single family or group of persons under a single lease or agreement shall be considered a single dwelling unit.
- c. Compliance Officer: Shall mean a designee appointed by the Eden Valley Council authorized to administer and enforce this Ordinance.
- d. License: Shall mean a provisional rental license, which is issued after receipt of fees and may be revoked if such rental property is found not to be in compliance with ordinances, codes or statutes.
- e. Lot: Shall mean an area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.
- f. Manufactured Home: Shall mean as provided in City of Eden Valley Ordinance Chapter 5; Zoning Ordinance, Section 502.000; Subd 85.
- g. Manufactured Home Park: Shall mean any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- h. Maximum Occupancy: Shall mean that for each occupant in a dwelling unit, 70 square feet of space must be provided.

- i. Occupant: Shall mean any person (including the owner or operator) living, sleeping, cooking, and eating in a dwelling unit.
- j. Operator: Shall mean the owner or agent who has charge, care, control or management of a building or manufactured home park or part hereof, in which dwelling units, manufactured homes, or rooming units are let.
- k. Owner: Shall mean any person who, alone or jointly or severally with others, shall be in actual possession of, or have charge, care or control of any dwelling unit, manufactured home, rooming house or sleeping unit within the City.
- l. Person: Shall mean any natural person his/her heirs, executors, administrators or assigns, and also included a firm, partnership, and limited liability company, cooperative or corporation, it's or their successors or assigns, or the agent of any of the aforementioned.
- m. Sleeping Rooms: Shall mean a room or enclosed floor space in a rooming house or dwelling unit, as defined herein, used or intended to be used primarily for sleeping purposes.
- n. Rental Property: Shall mean a dwelling unit offered for rent or occupied by a person or persons in the status of tenant, but does not include motels. This term shall not include property in which the dwelling unit or manufactured home is owned by the occupant, but the land or lot is rented or leased.
- o. Rooming House: Shall mean a building or structure providing a room or rooms intended for living and sleeping for persons in the status of tenant in which the toilet and kitchen facilities are shared, and the common or shared areas of the structure are actively maintained by the operator. This term shall include boarding houses, day cares, lodging houses, Bed and Breakfasts, fraternity and sorority houses, but does not include hotels, motels, or hospitals.
- p. Tenant: Shall mean one who has as his/her place of abode a dwelling unit, manufactured home, rooming house or sleeping room furnished to him/her for payment of a rental charge to another.

Section 1204.020. Requirement. For rental property to qualify for a rental license these conditions must be met:

Subd.1 Outdoors

- a. The lawn of the rental facility must be graded and drained in a way that it stays free of standing water.
- b. The lawn shall have a yard cover consistent with prevailing Community standards.
- c. Lawn grass shall be kept at a length of six inches or less.

- d. All fencing on the premises shall be kept in good repair.
- e. All accessory buildings must be structurally safe and in good repair.
- f. All accessory buildings must be rodent resistant.

Subd.2 Rental Property Exterior

- a. The roof of the structure shall be structurally sound and water tight.
- b. The foundation shall be structurally sound, water proof; and rodent resistant.
- c. The exterior walls of the structure shall be structurally sound, water tight, and rodent resistant. All chimneys shall be structurally sound.
- d. Porches and/or balconies shall be safe and in good repair.
- e. All exterior doors shall have safe, functioning locks.
- f. Screens, storm doors, and storm windows shall be safe and in good repair.

Subd.3 Rental Property Interior

- a. Bathroom facilities and fixtures shall be kept in a clean, sanitary condition, and in working order.
- b. A functioning bathtub or shower shall be provided.
- c. At least one bathroom with a functioning flush-type toilet must be provided.
- d. A functioning lavatory sink shall be provided.
- e. Kitchen facilities must be provided, including a working sink and water supply.
- f. No dwelling shall foster a situation where rodent or pest infestation is a problem or a potential problem; Examples of this may include but are not limited to: actual evidence of pests, storage of material that might provide a habitat for pests, unsafe storage of items that might become food for pests.

Subd.4 Interior in General

- a. The dwelling must have safe and functioning heating facilities in all habitable rooms and bathrooms.
- b. The dwelling must have an appropriate heated water system.
- c. All stairways must be structurally safe
- d. A safe and adequate smoke detector(s) must be provided at each building level.
- e. The dwelling must have at least one room of not less than 120 square feet of floor area. A combination of rooms connected by an opening(s) of at least five feet may be counted as a room. An example would be when a living room and a dining room are connected by an archway.
- f. All other habitable rooms, except the kitchen or efficiency apartments, shall not have less than 70 square feet of floor area.
- g. No rental unit may be over-occupied by more persons than health and safety may allow, where more than two persons would have to occupy any bedroom, that room must allow for an extra 40 square feet of space per occupant in excess of the two initial occupants. The minimum size of a bedroom shall be 70 square feet. An archway going to closet space shall not be construed as a sleeping room.

- h. Each space designated as a habitable room by the owner shall contain at least one usable window as a means of ventilation or shall have an effective alternative means of room ventilation
- i. Each habitable room shall contain at least two conventional electrical outlets.
- j. The dwelling must be designated "fit for human habitation".

Subd.5 Multi-Unit Dwellings (if applicable)

If a building contains two or more dwelling units, it falls under this subdivision.

- a. All shared or public areas of such dwellings must be kept in a clean and sanitary condition.
- b. The owner must provide separation of utility billings; for water, electric, gas, sewer and cable TV if not included in rental unit charge.
- c. The owner must provide for yard care and maintenance and the removal of ice and snow.
- d. The owner must provide for effective lighting of all exterior parking lots and walkways.
- e. The owner must provide and maintain parking areas and driveways in good condition. The owner must maintain the yard(s) of the dwelling in good condition.

Subd. 6 Garbage Collection

The owner of every rental property must provide garbage collection and recycling services for all occupants or require in a written lease that occupants obtain garbage collection and recycling services in accordance with City of Eden Valley Ordinance Section 911.

Section 1204.030 Fire Code. All rental dwellings shall be subject to the Uniform Fire code.

Section 1204.040 License Required. No person shall occupy, allow to be occupied, or let to another for occupancy any rental property in the City of Eden Valley for which a license has not been properly issued by the Compliance Officer. No rental property shall be issued a license by the City unless it complies with the ordinances of the City of Eden Valley and the statutes of the State of Minnesota, which pertain to such properties. A rental dwelling unit solely occupied by the owner is exempt from this requirement. The rental of a Lot, where the occupant owns the Manufactured Home, is not subject to this ordinance.

Subd 1. License Fee. The City Council may establish a licensing fee schedule for each dwelling unit or sleeping room in each rental property. The schedule may include a separate fee for licenses, inspections and delinquencies. Said license fees shall be payable at the time of application for licensing or renewal of a license and shall be a prerequisite to the issuance of the required license. Once issued, a licensee shall not be entitled to a refund on any license fee upon suspension or revocation.

- a. Rental property which is licensed as a "Curing Home" (Nursing Home) or a "Boarding Establishment" by the State of Minnesota Department of Health pursuant to Minnesota Statutes Chapter 157 shall be exempt from the

registration fee required under this Section. This exception shall not apply if no services are provided to the tenants, or the services are incidental to, or independent of, the landlord/tenant relationship.

- b. If the license fee required hereunder is paid after expiration date of current license, penalties shall be imposed as established by the licensing fee schedule
- c. All licenses shall expire two calendar years from date of issuance. Application for any license in which an inspection is required shall be 30 days prior to expiration. For cause, the Compliance Officer may waive the application deadline for an applicant.
- d. A delinquency fee shall be charged to the owner of rental property operated without a valid license. The imposition of this fee by the Compliance Officer may be appealed to the City Council by submitting a request to the City within twenty (20) days of the mailing or posting of the notice of the fee.

Subd 2. Manner of Application: The license application shall be made by the owner, if such owner is a natural person; if the owner is a corporation, cooperative or limited liability company, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer thereof, on the appropriate form available from the Compliance Officer.

Subd 3. License Application.

- a. Name, residence address and phone number of the owner of any rental property, or property manager authorized by the owner to accept service of process and to receive and give receipt for notices. In cases where the owner of any rental property lives outside the City of Eden Valley, the license application shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances. Such agent shall live within Minnesota;
- b. Name, address and phone number of any agent actively managing the rental property;
- c. Street address of the rental property
- d. Tax parcel number of the rental property or manufactured home park in which the rental property is located;
- e. Number and description of units within the rental property (dwelling units, manufactured homes, or sleeping rooms), including square footage of each room in unit;
- f. Name, address and phone number of the person authorized to make or order repairs and/or service to the rental property, to provide required services necessary to protect the health, safety, and welfare of the occupants, or are able to contact the person so authorized;
- g. Maximum number of people permitted per dwelling unit, manufactured home, rooming house, or sleeping room pursuant to 1204.020 Subd. 4 (g).

Subd 4. Inspection: All rental units will be subject to a biennial inspection conducted by the Compliance Officer, or his/her authorized

representative, prior to issuance of the license. The Compliance Officer may grant a license contingent on an inspection being completed within thirty (30) days, if all other requirements, including payment of the license fees, are met. After thirty (30) days, the license shall expire unless the Compliance Officer has certified the required inspection.

Subd. 5. License Before Occupancy: All rental property required to be licensed pursuant to the provisions of this Ordinance shall be licensed prior to occupancy or the letting to another for occupancy, and thereafter all licenses of such rental property shall be renewed pursuant to 1204.040, Subd. 1(c).

Subd 6. Transfers. Every new owner of a rental property (whether as fee owner, contract purchaser, or otherwise entitled to possession) shall apply for and obtain a license under this Ordinance before taking possession.

Subd 7. Certification of Taxes Paid. Prior to approving an application for any city rental license, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, unpaid utility charges certified for payment as taxes, interest or city utility fees due upon the property to be licensed.

Section 1204.050. Display of License. Every licensee of a rental property shall conspicuously display at all times on the premises a copy of the current license. This license shall be located on the premises so as to be easily viewed and readable by the occupants of the rental property at or near the front entrance of the building for which it was issued and shall be reasonably protected from wear by a plastic cover or similar protective device.

Section 1204.060. Inspection: Right of Entry. In order to insure compliance with this Ordinance's requirements, or upon receiving a written, signed complaint, the Compliance Officer shall have the authority to enter any building or manufactured home park at reasonable times upon notice to the landlord and tenant, to determine if the building or manufactured home park is operated as a "rental property" as defined in this Ordinance or to enforce the Uniform Housing Code, or both.

- a. When scheduling licensing inspections pursuant to this section, the City compliance officer or his or her agents will seek the consent of the owner of the property (if not already received) to inspect those areas outside of Rental Dwelling Units that are not accessible to the general public, such as storage or mechanical rooms) and to unrented Dwelling Units, and the consent of the primary tenant of the Rental Dwelling Unit (if not already received) to inspect that Unit. If the property owner demonstrates to the satisfaction of the City compliance officer or his or her agents that one or more tenants have consented in writing to the inspection of their units, individual contacts by the City with those tenants may be deemed unnecessary.
- b. If the City is unsuccessful in securing consent for an inspection pursuant to this section, the City shall seek permission, from a judicial officer through an administrative warrant, for its

enforcement officer or his or her agents to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant.

- c. The scope of a licensing inspection shall be limited to what is necessary to determine in accordance with this subdivision whether the Unit and its premises conform to the Rental Code. This shall not preclude the enforcement officer from relying upon observations from a Licensing Inspection in seeking one or more of the remedies provided in Section 1204.150.
- d. A licensing inspection must be scheduled during ordinary business hours (or as otherwise arranged with the owner or tenant). Owners and their agents, and tenants, may at their option request that licensing inspections above take place only when they are present, so long as the request identifies at least one date or time within the two weeks following the date of the request when the requesting party agrees to be present.
- e. During inspections conducted pursuant to an administrative warrant, photographs and video recordings may not be taken of areas inside the building, absent further court permission or consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit).
- f. Inspectors are not authorized to open containers, drawers, or medicine cabinets, unless the containers, drawers, or medicine cabinets are opened with the consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit). For purposes of this paragraph, a medicine cabinet is a covered cabinet located above a sink in a dwelling unit's bathroom.
- g. Inspectors are authorized to open cabinets (other than medicine cabinets) or closets only when because of their location, those closets or cabinets, when unopened, appear to contain one or more water or waste water pipes, or fuses, or exposed electrical wiring, and it is reasonably necessary in order to inspect for the existence of one or more conditions that violates the Rental Code, or when the cabinets or closets are opened with the consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit).
- h. The information regarding the condition of the unit or its occupants that inspectors retain after recording it in any inspection logs or forms shall be limited to descriptions of conditions constituting a violation of the Rental Code. Inspectors may record a list of conditions that the landlord or tenant is encouraged to repair or change but which do not constitute a violation of the Rental Code, if that list is not retained by the inspector or City but is instead simply given to the landlord or tenant.

Section 1204.070. Health Department Inspection. The Meeker and/or Stearns County Health Department and/or the City Compliance Officer shall have the right to inspect any dwelling, whether rental or owner-occupied, to enforce sanitation requirements.

Section 1204.080. Housing Advisory and Appeals Board. The City Council shall serve as Housing Advisory and Appeals Board (“Housing Board”). The Housing Board shall hear appeals arising from a correction order from the Compliance Officer and affirm, modify or reverse, in whole or in part, such order.

Section 1204.090. 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 Housing Board. Such appeal must be in writing, must specify the grounds for the appeal, must be accompanied by any filing fee established by the city, and must be filed within twenty business days after the date 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 five days prior written notice of the date, time and place of the hearing. By mutual agreement between the appellant and the city, the five day notice may be waived. The Housing Board shall hear and consider the matter within thirty days from the filing of an appeal. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless the Compliance Officer certifies that such a stay would cause imminent peril to life, health, or property. The Housing Board shall issue its decision to the appellant in writing within thirty days after the hearing. If the correction order is reversed, the applicable filing fee will be returned to the appellant.

Section 1204.100. Excessive Law Enforcement Calls. Notwithstanding any finding of the Compliance Officer for other violations, any rental property whose property receives more than two (2) law enforcement calls of a criminal nature within a twelve (12) month period for single unit dwellings, or more than two (2) law enforcement calls of a criminal nature per dwelling unit within a twelve (12) month period for multi-unit dwellings shall appear before the Eden Valley City Council, upon notice, to review the continuation of the rental license. This review is not an exclusive remedy.

Section 1204.110. Criminal Background Checks.

Subd 1. Purpose. The Eden Valley City Council has determined that there are persons residing in rental property in the City of Eden Valley engaging in disorderly conduct which results in a hostile environment for other Eden Valley citizens living near or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the City’s neighborhoods and the public health, safety, and welfare of its citizens by providing a system at the local level for criminal history/background investigation of prospective tenants.

Subd 2. Background Investigations. Each Operator is strongly encouraged to conduct criminal history/background investigations on prospective tenants in rental property through the BCA.

Section 1204.120. Landlord Liability. The owner of a rental unit, manufactured home park, rooming house or sleeping room shall be responsible to cause persons occupying the rental unit to conduct themselves in such a manner as to not cause the premises to be in violation of the

prohibition against noise as set forth in the City of Eden Valley Noise Ordinance, nor to allow to exist on the premises a public nuisance.

Section 1204.130. Applicable Laws. Licensees shall be subject to all of the Ordinances of the City of Eden Valley and the applicable State and Federal laws relating to dwellings. In the event this Ordinance conflicts with any other applicable ordinance or law, the more restrictive shall apply.

Section 1204.140. Enforcement. Enforcement of this Ordinance is accomplished by the Compliance Officer who is authorized to conduct inspections, issue licenses, investigate complaints, and seek penalties of property owner(s) found to be in violation.

Section 1204.150. Penalty. Any person who operates rental property in violation of this Ordinance shall be guilty of a misdemeanor and subject to the maximum penalty permitted by law. Each violation of this Ordinance shall constitute a separate offense. As an alternative to criminal penalties, the City may seek corrective action. The City Council will consider such penalties and actions after providing written notice and an opportunity to be heard to the owner of the rental property.

Subd 1. Revocation. Every license issued under this Ordinance is subject to revocation. Any license may be revoked 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 correct violations in the time period prescribed;
- (4) Violations committed or permitted by the licensed owner and/or the owner's designated agent, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the license and the premises;
- (5) Delinquent property taxes, special assessments and/or city utility charges

If the City revokes a license, it shall be unlawful for the owner or the duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until the license is restored. Current tenants will be allowed to remain until the end of their lease or one (1) year, whichever is less. In the case of revocation, restoration of the license shall occur only after the premises' owner has applied for a new license, paid a new application fee and complied with all sections of this or any applicable City Ordinance.

Subd 2. Hazardous Building Declaration. If a dwelling is unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with state law.

Subd 3. Administrative Offense Penalties. Violations of this ordinance may be subject to Administrative Offense Procedures pursuant to City Ordinance Chapter 16, 1601.000. An Ordinance Establishing Procedures for Enforcing Administrative Offenses.

Section 1204.160. Rental Code. This Ordinance shall be known as the City of Eden Valley Rental Code.

Section 1204.170. Severability. Every section, provision or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

Section 1204.180. Effective Date. This Ordinance shall be effective immediately upon its passage and publication, except existing rental properties (those operating as such on the Effective Date) will be required to apply for a rental license by August 1, 2016 and obtain a License by February 1st, 2017.

