

CHAPTER 117: RENTAL PROPERTIES

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§ 117.01 PURPOSE.

(A) The purpose of this chapter is to protect the public health, safety and the general welfare of the people of the city.

(B) These general objectives include, among others, the following:

- (1) To protect the character and stability of residential areas within the city;
- (2) 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;
- (3) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of buildings;

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(4) To provide minimum standards for the maintenance of existing residential buildings and to thus prevent slums and blight; and

(5) To preserve the value of land and buildings throughout the city.
(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.02 CITY NOT AN ARBITRATOR.

(A) With respect to rental disputes, and except as otherwise specifically provided by the terms of this chapter, 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 which are not specifically and clearly relevant to the provisions of this chapter. In the absence of the 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.

(B) In enacting this chapter, neither is it the intention of the city to interfere or permit interference with legal rights to personal privacy.
(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.03 APPLICABILITY.

(A) Every building and its premises used in whole or in part as a home or residence, or as an accessory structure thereof, for a single family or person, and every building used in whole or in part as a home or residence of two or more persons or families living in separate units shall conform to the requirements of this chapter, irrespective of when the building may have been constructed, altered or repaired.

(B) This chapter establishes minimum standards for erected dwelling units, accessory structures and related premises.
(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.04 REQUIREMENTS.

For rental property to qualify for a rental license, these conditions must be met.

(A) *General.*

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

(2) All fencing on the premises shall be kept in good repair and comply with zoning regulations.

(3) All accessory buildings must be structurally safe and in good repair. All accessory buildings must be rodent-free and rodent-resistant.

(4) The roof of the structure shall be in good shape and water-tight. The foundation and exterior walls of the structure shall be in good shape, water-proof and rodent-resistant.

(5) All chimneys shall be in good-working order.

(6) Porches and/or balconies shall be safe and in good repair. Railings are needed on porches and balconies greater than 18 inches from ground level.

(7) All exterior doors shall have safe, functioning locks.

(B) *Rental property interior.*

(1) At least one bathroom with a functioning flush-type toilet, lavatory sink and bathtub or shower must be provided.

(2) Kitchen facilities must be provided, including a working sink and water supply. Space for a stove and refrigerator must be available.

(C) *Interior in general.*

(1) The dwelling must have safe and functioning heating facilities in all habitable rooms.

(2) The dwelling must have an adequate heated water system. All stairways must be structurally safe. A safe and adequate smoke detector(s) must be provided at each building level.

(3) No rental unit may be over-occupied by more persons than reasonable conventions in health and safety may allow, where more than two adult persons would have to occupy any bedroom, that room must allow for an extra 40 square feet of space per adult occupant in excess of the two initial occupants. No room(s) other than a conventional bedroom may be designated by the owner or tenants as a "bedroom". The minimum size of a bedroom shall be 70 square feet. Studio apartments will be exempt; however, no more than two adults are allowed to occupy studio apartments.

(4) 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. The dwelling must be designated "fit for human habitation".

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014) Penalty, see § 117.99

§ 117.05 MULTI-UNIT DWELLINGS.

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

(A) All shared or public areas of the dwellings must be kept in a clean and sanitary condition.

(B) The owner must provide for the removal of ice and snow. This may be part of the rental contract with the renter.

(C) The owner must provide and maintain parking areas and driveways in good condition.

(D) The owner must maintain the yard(s) of the dwelling in good condition.

(E) The owner must provide adequate garbage containers and is responsible to arrange weekly garbage removal.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014) Penalty, see § 117.99

§ 117.06 LICENSING OF RENTAL UNITS.

(A) *Registration.* No person shall operate rental property in the city without first having properly made and filed a registration statement with the City Administrator, and without first securing a valid rental license from the city. Any person filing such a registration statement thereby consents to be bound by all of the provisions of this chapter and the other ordinances of the city, as they may relate to rental property. The registration statement shall be made and filed on forms furnished by the city for such purposes and shall set forth the following information:

(1) Name and residence of the owner and, if a corporation, the name of officers and registered office thereof. All owners must be listed;

(2) Name and address of the rental property and the number of units to which the registration applies;

(3) Name and address of the caretaker or manager responsible for the maintenance and care of the rental units;

(4) The name and address of the owner's agent for the receipt of notices of violations of the provisions of this chapter and other applicable ordinances of the city; and

(5) Such other information as the city may require.

(B) *Execution of registration statement.* The registration shall be made by the owner if the owner is a natural person; if the owner is a corporation, by an officer thereof; if the owner is a partnership, by one of the partners; and if the owner is an unincorporated association, by the manager or managing officer thereof. Renewal of registrations as required annually by this chapter may be made by filling out the required renewal form provided by the city's designee to the owner of rental property and mailing the form together with the required registration fee to the City Administrator.

(C) *Annual registration.* The registration of all rental dwellings registered for the previous year shall be renewed not later than the first business day of February of each year.

(D) *Transfers.* Every new owner of a rental property, (whether as fee owner, contract purchaser, lessee of the entire dwelling or otherwise) shall register before taking possession.

(E) *Registration license fee.*

(1) The registration license fee(s) shall be due on the first business day of February of each year in amounts set by City Council resolution.

(2) A delinquency penalty of \$25 for each day of operation without a valid license shall be charged to operators of rental dwellings. Once issued, a license is non-transferable and the license shall not be entitled to a refund on any license fee upon revocation and suspension. In the case of new unlicensed dwellings, license fees shall be due upon the issuance of the certificate of occupancy.

(F) *Inspection condition.* No operating license shall be issued or renewed unless the owner of rental units agrees in his or her application to permit inspections pursuant to this chapter. Inspections will be conducted annually. Properties that have passed the annual inspections without violations will be inspected every three years unless a complaint is received. Receipt of a signed complaint will result in an inspection being completed. If the complaint is found not to be valid, the person making the complaint will be charged for the cost of the inspection.

(G) *License not transferable.* No operating license shall be transferable to another person or to another rental dwelling.

(H) *Suspension or revocation.*

(1) Every operating license issued under the provisions of this chapter is subject to suspension or revocation by the City Council or its designee should the licensed owner or his or her duly authorized resident agent fail to operate or maintain the licensed rental dwelling and units therein in compliance with the provisions of the ordinances of the city and the laws of the state. In the event that an operating license is suspended or revoked by the City Council or its designee for just cause, it shall be unlawful for the owner or the duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as an operating license may be restored by the City Council or its designee.

(2) When a rental license is revoked or suspended, the property shall be vacated as of the effective date of the revocation or suspension and remain vacated until restoration of the license. In the case of a suspension, restoration shall occur automatically at the end of the suspension period. In the case of revocation, restoration of the license shall occur only after the owner of the premises has made application for a new license and paid a new application fee. The new license may then be issued upon completion of the revocation period.

(3) No suspension or revocation of a rental license shall occur until the licensed owner has been afforded an opportunity for a hearing to be conducted pursuant to M.S. §§ 14.50 to 14.69, as they may be amended from time to time. This hearing shall be evidentiary in nature and conducted before the City Council or designee which shall determine whether an ordinance or statutory violation did occur warranting revocation or suspension of the rental license. The determination of the City Council or designee shall be final and subject only to any rights of review or appeal to the state court as is provided by statute. The licensed owner must affirmatively request an evidentiary hearing by writing to be received by the City Administrator no later than seven days prior to the date on which the Council or designee is to consider the matter. If request is not made, the right to an evidentiary hearing is deemed waived and the City Council or designee may presume the truth and accuracy of the matters alleged and proceed to disposition at the time of the hearing.

(4) Where the City Council or designee determines that an ordinance or statutory violation has occurred warranting suspension or revocation, the rental license shall be suspended or revoked for a period of not less than two months nor more than 12 months. Execution of the suspension or revocation may be stayed by the Council or designee on such reasonable conditions as established by the Council or designee including, but not limited to, the payment of a civil penalty not to exceed \$1,000. Upon the completion of one-half of the period of revocation or suspension imposed by the City Council or designee, the licensed owner may petition the City Council or designee for early restoration of the rental license. Upon receipt of the petition, the licensed owner's request shall be heard by the City Council or designee at the next regular scheduled meeting, (but at least seven days from receipt of the request). At that time, the City Council or designee may order a restoration of the rental license if the licensed owner establishes by clear and convincing evidence that one of the following two circumstances then exist:

(a) The property has been sold since the occurrence of the original violation to a party unrelated to the original owner. The sale must be for a fair consideration, negotiated at arm's length, and by deed duly filed for record at the office of the County Recorder. A sham or paper transfer of title of the property to a related party or another party acting in cooperation with the owner for the purpose of circumventing the license revocation shall not constitute a transfer for purposes of this chapter; and/or

(b) The licensed owner demonstrates to the City Council or designee that he or she has properly responded to the revocation or suspension, that measures have been taken to successfully correct the violation which originally resulted in suspension or revocation, and that additional steps have been taken to assure that similar violations not occur in the future. Factors to be considered by the Council or designee, may include: improvements and repairs to the premises; modification of the relevant lease provisions; selection of future tenants; response to citizens complaints; provision for future

supervision of the premises by the licensed owner; the licensed owner's compliance with the revocation/suspension; and such other criteria as the Council or designee considers relevant to each individual case.

(5) Where the licensed owner is able to establish by clear and convincing evidence grounds for restoration, the Council or designee may stay the execution of the remainder of the suspension or revocation period for a period of up to one year and place reasonable terms and conditions upon the licensed owner as may be relevant to further ensure compliance with the ordinance of the city and laws of the state.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014) Penalty, see § 117.99

§ 117.07 ENFORCEMENT AND INSPECTION AUTHORITY.

The Building Inspector and its designated agent(s), along with the City Administrator, shall be the compliance official(s) who shall administer and enforce the provisions of this chapter and who is hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this chapter has been or is being committed. Inspections shall be conducted during reasonable daylight hours unless otherwise arranged.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.08 INSPECTION ACCESS.

Any owner, occupant or other person in charge of a dwelling or dwelling unit may refuse to permit free access and entry to the structure or premises under his or her control for inspection pursuant to this chapter, whereupon the compliance official(s) may seek a court order authorizing the inspection.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.09 UNFIT FOR HUMAN HABITATION.

(A) *Vacation of buildings.* Any dwelling, dwelling unit or rooming unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation, the compliance official(s) shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.

(B) *Reoccupation.* It shall be unlawful for the dwelling, dwelling unit or rooming unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the compliance official(s). It shall be unlawful for any person to deface or remove the declaration placard from any such dwelling, dwelling unit or rooming unit.

(C) *Secure units and vacated dwellings.* The owner of any dwelling, dwelling unit or rooming unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this chapter.

(D) *Hazardous building declaration.* In the event that a dwelling has been declared 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 the provisions of state statutes. (Prior Code, § 10.16) (Ord. 38, effective 4-28-2014) Penalty, see § 117.99

§ 117.10 COMPLIANCE ORDER.

(A) Whenever the compliance official(s) determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this chapter, he or she may issue a compliance order setting forth the violations of this chapter and ordering the owner, occupant, operator or agent to correct the violation.

(B) This compliance order shall be in writing:

(1) Describe the location and nature of the violations of this chapter;

(2) Establish a reasonable time for the correction of the violation and notify of appeal recourse;

and

(3) Be served upon the owner or his or her agent or the occupant, as the case may require. The notice shall be deemed to be properly served upon the owner or agent or upon any such occupant, if a copy thereof is:

(a) Served upon him or her personally;

(b) Sent by registered mail to his or her last known address; or

(c) Upon failure to affect notice through divisions (B)(3)(a) and (B)(3)(b) above, posted at a conspicuous place in or about the dwelling which is affected by the notice. (Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.11 RIGHT OF APPEAL.

When it is alleged by any person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this chapter, the person may appeal the compliance order to the Planning and Zoning Board. The appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in an amount as may be established by resolution of the City Council, paid in cash or cashier's check and must be filed with the City Administrator within five business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health or property.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.12 BOARD OF APPEALS; DECISION.

Upon at least five business days notice to the appellant of the time and place for hearing the appeal, and within 45 days after the appeal is filed, the City Council shall hold a hearing thereon, taking into consideration any advice and recommendation from the compliance official(s). The City Council may reverse, modify or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.13 RESTRICTION ON TRANSFER OF OWNERSHIP.

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

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014) Penalty, see § 117.99

§ 117.14 REINSPECTIONS.

(A) The Building Inspector or compliance officer(s) shall re-inspect the property to determine if the owner has complied with the compliance order.

(B) If compliance has not been completed upon re-inspection, the owner shall be assessed a re-inspection fee for an amount to be set by the City Council for that re-inspection and each subsequent re-inspection for compliance.

(C) Failure to pay the re-inspection fee shall constitute a failure to comply with the compliance order.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.15 COMPLIANCE ORDERS.

Upon 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 may, by resolution, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of the remedy shall be a lien against the subject real estate and may be provided by M.S. Ch. 429, as it may be amended from time to time, but the assessment shall be payable in a single installment.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.16 EXCEPTION.

This chapter shall not apply to any nursing home or other facilities that are inspected by the Federal or State Government on an annual basis. This chapter shall not apply to property where the owner's child, stepchild, parent or stepparent are residing.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)

§ 117.99 PENALTY.

(A) Any person who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein shall be guilty of a misdemeanor. Each day of the failure to comply shall constitute a separate punishable offense.

(B) Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the compliance official(s) determines that any dwelling, dwelling unit or rooming unit or the premises surrounding any of these fails to meet the requirements set forth in this chapter, the Police Policy Coordinator may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.

(C) Any person violating any of the provisions of this chapter by doing any act or omitting to do any act which constitutes a breach of any section of this chapter shall, upon conviction thereof by lawful authority, be guilty of a misdemeanor, punishable as herein defined. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this chapter designating the duties of any official or employee of the city shall be so construed as to make the official or employee liable for the penalty provided in this section because of failure to perform the duty.

(Prior Code, § 10.16) (Ord. 38, effective 4-28-2014)