

City of Coleraine

Building Maintenance & Occupancy Code (commonly referred to as the Rental Ordinance)

Article I

Purpose. The City Council recognizes that improperly maintained structures and premises and the unreasonable overcrowding of dwellings has an adverse effect on the public health, safety, morals, and general welfare of the citizens of this community and, further, that such conditions contribute to the unnecessary, excessive and disproportionate expenditures of public funds for public health, public safety, crime prevention, fire protection, and other public services. In order to address those and other, similar concerns, the City Council finds that the following objectives are important in achieving the goal of maintaining a safe and healthy community:

- (1) To protect the character and stability of all buildings and property within the City.
- (2) To correct and prevent 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 persons occupying buildings within the City.
- (3) To provide minimum standards for heating, sanitation, ventilation, light, and maintenance necessary to the health and safety of occupants of buildings.
- (4) To prevent, to the extent reasonably possible, the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.
- (5) To provide minimum standards for the maintenance of existing buildings and thus prevent slums and blight.
- (6) To preserve the value of land and buildings throughout the City.

The City Council further finds that the enactment of this Chapter is essential to the public interest and it is intended that this Chapter be liberally construed to effectuate its purpose as stated herein.

The City Council, however, declares that, except as otherwise specifically provided by the terms contained in this Chapter, it is not the intention of the City to interfere with or intrude upon the rights of landlord and tenant to enter into fair and accepted contractual relationships. In the case of a dispute, the City will not intervene as an advocate of either party, or act as arbiter, nor be receptive to complaints from landlord or tenant which are not specifically and clearly relevant to the provisions of this Chapter. In the absence of such relevancy, the City intends that rental disputes be resolved through established legal proceedings without City intervention. The City Council further declares that it is not the intention of the City to interfere with or permit the interference with legal rights to personal privacy.

Article II

Definitions

1. Minimum Standards: Basic Equipment. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following:
 - a. Kitchen Sink. Every single family dwelling or apartment must contain a kitchen sink in good working condition and must be properly connected to a water and sewer system.
 - b. Toilet and Lavatory Basin. Every single family dwelling or apartment must contain a room which affords privacy to a person within said room, be equipped with a flush water closet and a lavatory basin in good working condition and be properly connected to a water and sewer system.
 - c. Bathtub or Shower. Every single family dwelling or apartment must contain a room which affords privacy to a person within said room, a bathtub or shower in good working condition and be properly connected to a water and sewer system.
 - d. Hot and Cold Water. Every kitchen sink, lavatory basin, and bathtub or shower must be properly connected with both hot and cold water lines.
 - e. Water Heating Facilities. Every dwelling must have heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under provisions of (d), and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such water heating facilities must be capable of meeting the requirements of this section when the dwelling or apartment heating facilities required under the provisions of (f) are not in operation.
 - f. Heating Facilities. Every dwelling must have heating facilities which are properly installed, maintained in safe and good working condition and capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every apartment located therein to a temperature of at least 68 degrees F at a distance three feet above the floor level and not closer than two feet from an outside wall, window or door, when the temperature outside is minus 20 degrees F.

2. Minimum Standards: Fire Safety. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living therein, which does not comply with the following:
 - a. Smoke and Carbon Monoxide Detectors. Every dwelling unit shall be provided with an approved UL listed single station smoke and carbon monoxide detector, properly mounted on the ceiling or wall outside of the sleeping rooms of the dwelling unit. All required smoke and carbon monoxide detectors must be maintained in an operable condition at all times and tested on a regular basis to insure batteries are in place and replaced as necessary to insure the detector is

operational. Smoke and carbon monoxide detectors that fail to sound an alarm when tested and smoke and carbon monoxide detectors more than ten years old must be replaced. It is the building owner's responsibility to provide and install properly working smoke and carbon monoxide detectors and establish a maintenance program to insure their proper operation.

b. Emergency Escape or Rescue Openings in Sleeping Rooms:

- i. Emergency escape or rescue openings must be provided in all sleeping rooms. In any case, the escape opening must provide: (A) a minimum 24-inch clear, opening height; (B) a minimum 20-inch clear, opening width; (C) a minimum five square foot clear opening; and (D) a finished sill height not more than 48 inches above the floor. Such openings must be maintained clear of obstructions and in good operating condition at all times. The net clear opening dimensions must be the result of the normal operation of the opening and must not involve the use of keys, tools, or special knowledge.
- ii. Notwithstanding anything in subdivision b to the contrary:
 - a. Escape windows are not required if a building is protected throughout by an approved automatic fire sprinkler system and
 - b. Escape windows need not be installed in rooms of existing buildings having two separate means of escape provided that the means of the escape are independent of each other and they pass through only one adjacent non-lockable room or area.

3. Minimum Standards: Exterior.

- a. Siding. Every single family dwelling or apartment building must have in place an approved and finished exterior siding of masonry, wood, vinyl, or aluminum.
- b. Roofing. Every single family dwelling or apartment building must have in place an approved roof.
- c. Driveway approach. Every single family dwelling or apartment building must have in place an approved driveway approach.
- d. All Windows and Door Openings (including garages). Every single family dwelling or apartment building providing openings must be installed, finished, and operational.

4. Minimum Standards: Miscellaneous

- a. Plumbing. Every single family dwelling or apartment building needs to be fully operational with all fixtures installed and connected to an approved waste system and supply.
- b. HVAC. Every single family dwelling or apartment building must have a proper primary heat source. All heating sources will be properly vented to the exterior of the home.

- c. Electrical. Every single family dwelling or apartment building must have a final electrical inspection sticker inside of the main panel from the state electrical inspector.

Article III

Licensing.

- (1) License required. No person shall operate a rental dwelling or rental dwelling unit without first having obtained a license to do so from the City.
- (2) Expiration of License. Licenses shall be issued every three years and shall expire on the anniversary date of license.
- (3) Fees. License fees shall be established from time to time by resolution of the City Council. All required fees shall accompany an initial or renewal application.

A delinquency penalty of five percent of the license fee shall be charged for each day of operation without a valid license up to 90 days. Thereafter the city may take appropriate action to prevent the continued use of the affected dwelling unit or units in accordance with State and Local laws and ordinances.

Article IV

Transfer. No license or any temporary certificate, issued under this Section shall be transferrable except by application to the City Clerk and a report and recommendation of transfer by the City housing inspector. No refunds shall be made for unused periods of any license. To include any contract for deed sales.

Article V

Suspension, Revocation, Penalties. Every license issued under this Section, and every licensee, is subject to license suspension, revocation and other penalties as provided in this paragraph if the licensee or the licensee's duly authorized agent fails to operate or maintain the licensed premises in accordance with the provisions of applicable Federal, State, or Local laws and ordinances. In the event a license is suspended or revoked for just cause, it shall be unlawful for the licensee or the licensee's duly authorized agent to thereafter permit any new occupation of the affected vacant or thereafter vacated rental unit or rental units until such time as valid license is restored for that unit or units.

- (1) Procedure for Suspension or Revocation

- a. The licensee is notified in writing of the nature of the charges or violations and of the date of a public hearing before the City Council.
 - b. The Notice may be personally served or served by certified mail.
 - c. The public hearing shall be conducted before the City Council not less than 10 nor more than 20 days after service of the notice. Service shall be considered complete upon personal service or upon deposit of the notice in the U.S. mail.
 - d. The licensee may appear at the public hearing either with or without legal counsel and present such evidence or argument as may be relevant.
- (2) Suspension. No suspension of a license under this paragraph shall be for more than twelve months following the date of suspension provided, however, if at any time during the suspension the City determines that further violations regarding the suspended unit or units have occurred, the City Council, following another public hearing as provided in subsection (a) extend the suspension for an additional period, or may revoke the license as to the affected unit or units. No extension or revocation shall be for longer than twelve months following the date of the most recent violation. Upon the expiration of a suspension, the license is reinstated as to the suspended unit or units without further action of the City Council.
- (3) Revocation. The revocation of a license as to a unit or units shall remain in effect until such time as the City Council reinstates the license as to the affected unit or units. The Council may establish a period of time, not to exceed twelve months from the date of revocation, during which the Council will not hear a request for reinstatement. No revocation may extend beyond twelve months unless the City Council, following a public hearing as provided in subsection (1), determines that further violations relating to the unit or units under revocation have occurred. No additional revocation period shall extend beyond twelve months after the date of the most recent violation.
- (4) Misdemeanor. In addition to the suspension or revocation of a license, any person who violates this Section is guilty of a misdemeanor. Each day of each violation shall constitute a separate punishable offense.

Article VI

Vacant Buildings. The owner of any building or any part thereof which is vacant for a period of 60 days or more, shall make the building and the premises safe and secure so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance. Any vacant building open at windows or doors, if unguarded, shall be deemed to be a hazard to health, safety, and welfare of the public and a public nuisance within the meaning of this Section and shall be made safe and secure immediately by boarding the openings. Boarding must be done with sound materials which are securely fastened to the building and painted with a color consistent with the adjacent surfaces, except that openings on walls facing street frontages shall be covered with clear acrylic plastic sheets only. Nonresidential buildings which become vacant must remove exterior signage on the vacant portions of the building, except that signage

which is sued for sale or lease of the building. The premises of a vacant building shall be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping of yard.

Article VII

Building Unfit for Human Habitation.

- (1) Any building or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or which lacks provision for basic illuminations, heat, 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. Whenever any building or premises has been declared unfit for human habitation, the Compliance Official shall order the building or affected dwelling unit or units vacated within a reasonable time and shall post a placard on the building or dwelling units indicating that the building or unit is unfit for human habitation, and any license previously issued for such building, dwelling, or occupancy shall be revoked. An order issued pursuant to the Section shall be served on the owner, operator, or owner's agent and upon any occupants in the same manner as a notice under Article IX (3). The appeal process for Article IX (4) shall apply to orders issued under this Section except that the Compliance Official may order the vacation of the building or any part thereof pending an appeal upon a finding that continued occupancy poses an immediate and substantial threat to health and safety.
- (2) It shall be unlawful for such building or any part thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official and a license issued for the affected building or units. It shall be unlawful for any person to deface or remove the declaration placard from any such building or dwelling unit.
- (3) No rents shall be collected from the tenant of any affected dwelling unit which has been placarded, from the date of placarding, until the placard has been removed by the City.

Article VIII

Hazardous Building. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.

Article IX

Disorderly Behavior. Any of the following activities.

- (1) A nuisance under City basic code.
- (2) A violation of any State or Federal law related to ownership, possession of a firearm.
- (3) Illegal Drug related activity including but not limited to the illegal possession, manufacture, sale, distribution, purchase, or use or possession with intent to manufacture, sell or distribute a controlled substance or possess drug paraphernalia.
- (4) Any act that jeopardized the health, safety or welfare of the landlord, landlord's agent or other tenant or guests of tenant of a licensed premises.
- (5) The following circumstances shall be deemed to be exceptions to the definition of disorderly behavior:
 - a. An "emergency call" within the definition of Minnesota Statutes Section 609.78 and Subd. 3 will not be considered an instance of disorderly behavior when the victim and suspect are "family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B01, Subd. 2 (b) and there exists a report of domestic abuse as defined in the Domestic Abuse Act, Minnesota Statutes Section 518B 01 Subd. 2 (a);
 - b. An "emergency call" within the definition of Minnesota Statutes Section 609.78, Subd. 3, will not be considered an instance of disorderly behavior if the call is a result of a tenant or guest of a tenant taking action to seek emergency assistance that is protected by Minnesota State Statute 504B.205;

License Duties. Mandatory Rental Agreement terms.

- (1) It shall be the responsibility of any tenant to ensure that all tenants and all guests of a tenant while on or about the licensed premise not engage in disorderly behavior.
- (2) The licensee shall cause the commencement of an unlawful detainer or other eviction proceedings pursuant to the provisions of state law if a tenant violates the provisions of clause (a) of this Section on three or more occasions during a 12 month period.
- (3) Except for rental agreements related to occupancy of a state licensed residential facility, and except as otherwise preempted by federal or state laws and regulations, all rental agreements for the occupancy of a rental unit entered into or on after August 1, 2012 shall be assumed to contain the following provisions:
 - a. No tenant or guest of a tenant shall engage in disorderly behavior while on or about the licensed premise;

- b. No tenant or guest of a tenant shall aid or abet disorderly behavior while on or about the licensee's premise;
 - c. No tenant or guest of a tenant shall conspire with others to engage in disorderly behavior on or about the licensee's premise;
 - d. No tenant shall permit a guest of the tenant to engage in disorderly behavior on or about the licensee's premise;
 - e. Any violation of paragraphs a-d above, shall constitute a material violation of the rental agreement and shall constitute good cause of the immediate termination of rental agreement.
- (4) The licensee, prior to the commencement of the term of the rental agreement shall provide to the lessee(s) a written notice that contains the definition of disorderly behavior as provided by Section above, and the provisions of clause (a) of this Section and shall maintain a written acknowledgement signed by the lessee(s) acknowledging receipt of such notice.

Article X

Abatement notice; procedure.

- (1) The city shall respond as follows to a violation of the provisions of this Article:
- a. Upon occurrence of the first instance of a determination by the city that a rental unit was the location of an incident of disorderly behavior, the city shall cause notice to be made to the licensee, a property manager whose identity and address is on file in the office of the code official and the tenant of the rental unit. The notice shall direct the licensee to take steps to prevent further violations.
 - b. Upon the occurrence of the second instance of an incident of disorderly behavior occurring at the rental unit within 12 months of the notice provided in 1 (a) of the Section, the city shall send a notice. The notice shall direct the licensee to submit, within ten days of the date of the notice, a written abatement report of all actions taken by the licensee since the first notice and actions the licensee intends to take to prevent further disorderly behavior. Failure of either owner or property manager to file a report within 30 days of said notice may result in an administrative fine and rental license revocation.
 - c. Upon the occurrence of the third instance of disorderly behavior occurring at the rental unit within 12 months after the first of two previous notices, the city shall cause notice to be made to the licensee, a property manager whose identity and address is on file in the office of the code official, and the tenant of the rental unit. In addition to such notice, the code official shall revoke, suspend, or reject an application to renew the license. The code official shall make the decision to revoke, suspend or refuse to renew the license within 15 days of the notice;

- (2) For purposes of this Section, second and third instances of disorderly behavior shall be those which:
- a. Occur at the same rental unit; or
 - b. Involve tenants of the same rental unit; or
 - c. Involve guest of a tenant at the same rental unit; or
 - d. Involve guests of the same tenant; or
 - e. Involve the same tenant;
- (3) Notwithstanding the provisions of Section 29A-41 above, no adverse license action shall be imposed where the instance of disorderly behavior occurred during a pending unlawful detainer action or other eviction proceeding or within 30 days of notice given by the licensee to a tenant to vacate the rental unit, except that if the code official determines that the licensee has failed to diligently pursue such process, such adverse license action shall proceed. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this Article may be postponed or discontinued at any time if the code official determines that the licensee has taken appropriate measures which will prevent further instances of disorderly behavior. Such measures may include, but are not limited to, evidence of a failed eviction process despite the licensee's diligent pursuit of same;
- (4) A determination that the rental unit has been the location of disorderly behavior shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Article;
- (5) The code official shall notify the licensee or the licensee's agent in writing of the basis for the revocation, suspension, denial or nonrenewal and the date upon which the action takes effect. Notice of the action shall be posted at the rental unit and/or licensed premise by the code official. No person other than the code official, shall remove or alter any posting. The notice shall indicate the rental unit or licensed premise shall be vacated and no person shall reside in, occupy or cause to be occupied the rental unit or licensed premise until the code official has so removed said posting and issued a valid license therefore.

Article XI

Enforcement.

- (1) Inspection Authority. Except as otherwise provided herein, the Compliance Official shall administer and enforce the provisions of this Chapter and is hereby authorized to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of State or Local laws and ordinances have been or are being committed. Inspections shall be conducted during reasonable

daylight hours, and the Compliance Official shall present evidence of official capacity to the occupant in charge or a respective dwelling unit. This Section shall not apply to investigations conducted by law enforcement regarding prohibited conduct or other similar illegal activities.

(2) Compliance Order. Whenever the Compliance Official determines that any building or any part thereof or the premises surrounding any building, fails to meet the provisions of this Chapter a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:

- a. Be in writing
- b. Describe the location and nature of the violation(s)
- c. Establish a reasonable time for the correction of such violations
- d. Provide notice of appeal rights
- e. Be served upon the owner, operator, agent or occupant as appropriate.

(3) Service of Notice. Except as otherwise provided in this Chapter, all notices given by the City relating to violations under this Chapter shall be personally served on the appropriate party or sent by certified mail to the party's last known address. If service cannot be made personally or by certified mail, it can be made by posting the notice in a conspicuous place on the licensed premises. Except where the City has reasonable cause to believe an emergency exists, notice shall be given to the owner, operator, manager, representative or local agent, and any affected occupant at least five business days before any inspection. Inspection notices shall be in writing and may be personally delivered or mailed by regular mail.

(4) Right to Appeal. Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or ordinance, may appeal the order of the Compliance Official to the Council. Such appeal must be in writing, specify the grounds for the appeal, and be filed with the Compliance Official within ten business days after service of the compliance order. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

Article XII

Violations. Violations of this Ordinance shall be a misdemeanor. Every day of a failure to comply constitutes a separate punishable offense. The Compliance Official, a building office hired by the City, or law enforcement are hereby authorized to issue citations for any violation of this Ordinance.

AMEND COLERAINE BUILDING
MAINTENANCE & OCCUPANCY CODE

ARTICLE II

1. Minimum Standards

b. if the sewer system is not connected to a public system any private system must be inspected and meet the requirements of Itasca County zoning ordinance. ARTICLE II and Sections 3.2 & 3.3.

ARTICLE III

All provisions of Itasca County Sanitation Ordinance and Minnesota Rule Chapters 7080-7083 shall apply to properties subject to rental under this ordinance. All enforcement of County Sanitation Ordinance shall be by the City in concert with the Environmental office of the County.