

ORDINANCE NO. 21, 3RD SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING THE CITY CODE OF THE CITY OF PAYNESVILLE, CONSISTING OF CHAPTERS 1-36, BY ADDING A NEW CHAPTER 38 ENTITLED “DWELLING INSPECTION, RENTAL LICENSING & REGULATION, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1, SECTION 1-11, ENTITLED “VIOLATION A MISDEMEANOR UNLESS OTHERWISE STATED” WHICH, AMONG OTHER THINGS, CONTAINS PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE, MINNESOTA ORDAINS:

Section 1. The City Code of the City of Paynesville consisting of Chapters 1-36, is hereby amended to add Chapter 38 entitled “Dwelling Inspection, Rental Licensing & Regulation, to read as follows:

ARTICLE I – GENERAL PROVISIONS

Section 38-1. a) Purpose & Policy. The purpose of the provisions of Chapter 38 of the City Code is to protect the public health, safety and welfare, and to establish a program for the regulation of dwellings and rental properties. The purpose is to ensure that dwellings, and specifically rental properties within the City, comply with life, health and safety standards necessary to safeguard the general welfare of the residence of these units and surrounding properties. The objectives include, but are not limited to, the maintenance of the character, integrity and stability of rental housing units in the City, the enforcement of minimum standards for the health and safety of occupants of rental housing units, the enforcement of minimum standards for equipment and ventilation, the prevention of overcrowding, and the preservation of the value of buildings and properties throughout the City.

b) Scope. The provisions of this chapter shall apply to all buildings or portions thereof used or designed or intended to be let for human habitation by persons other than the owner.

c) Exceptions. Exceptions from this chapter shall be any property licensed for occupancy by the State of Minnesota.

ARTICLE II – INSPECTION OF DWELLINGS

Section 38-2. Building Official. The Building Official shall make inspections at reasonable times as hereafter provided to determine the condition of dwellings, and premises located within the City in order to perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For purposes of making such inspections, the Building Official is hereby authorized to enter, examine and survey, at all reasonable times, all dwellings and premises, except that inspection of owner occupied, single family dwellings, shall only be made when permitted by the owner, or in an emergency endangering life or property, or when authorized by court order, warrant or other judicial process. Inspection of buildings, other than single family, owner occupied dwellings, shall be a condition of the business of leasing or renting such dwelling to others, and the owner, occupant, or other person in charge of such dwelling shall give the Building Official free access to such dwellings and its premises, at all reasonable times, for the purpose of inspection, examination and survey. Inspections of rental units revealing deficiencies or violations may, in the sole discretion of the Building Official, either result in the initial denial of a rental license, or in the issuance of a conditional license with direction for correction of

the deficiencies or violations and a timeline for completion. The Building Official, in addition to inspecting for licensing and re-licensing purposes, shall inspect a rental unit upon receiving a legitimate complaint from a complainant willing to provide their name and address, and upon inspection and the finding of a violation, the inspector shall notify the owner or manager in writing of the issue, and direct correction of the violation and a timeline for completion. Failure to timely correct any noted violations may result in enforcement action including, but not limited to, revocation of the rental license. No registration certificate required by this Ordinance shall be issued if admittance for the purpose of inspection of the premises is refused by the owner, occupant or person in charge.

ARTICLE III – LANDLORD RESPONSIBILITY

Section 38-3. Landlord Responsibility. For purposes of this Ordinance, the owner of a rental property shall be considered the landlord and shall include corporations, partnerships, as well as individual owners.

Section 38-4. The owner of a residential dwelling is responsible to cause persons occupying each dwelling unit to conduct themselves in a manner to ensure that persons occupying the premises or their guests are not in violation of the following:

- a) Noise controls as set forth in City Code Chapter 18, Section 18-124, and Section 18-125.
- b) Disorderly conduct under City Code Chapter 20, Section 20-4, and Minnesota Statute 609.72.
- c) Prostitution as set forth in Minnesota Statute 609.321-609.324.
- d) Unlawful sale or possession of controlled substances as set forth in Minnesota Statute 152.01-152.025, and 152-027, Subd. 1 & 2.
- e) Unlawful sale of alcoholic beverages as set forth in Minnesota Statute 340A.401.
- f) Unlawful possession, transportation, sale or use of weapons as set forth Minnesota Statute 97B.021, 97B.045, 609.66-609.67 and 624.716.

Section 38-5. The police or Building Official or its designee will be responsible for enforcement and administration of this Ordinance.

Section 38-6. First Violation. Upon determination by the police or Building Official or its designee that the licensed premises were used in a manner in violation of any of the laws enumerated in Section 38-4, the police or Building Official or its designee will notify the owner and managing agent of the owner by regular mail, and direct the owner and managing agent to take steps to prevent further violations at the licensed premises.

Section 38-7. Second Violation. If a second violation of an offense enumerated in Section 38-4 occurs at the premises within twelve (12) months of an incident for which notice was provided in Section 38-6, the owner and managing agent will be notified of the subsequent violation by the police or Building Official or its designee and will be required to submit a written report of actions taken by the owner and/or

managing agent to eliminate future violations. This written report shall be submitted to the Building Official or its designee within fifteen (15) days, excluding intervening weekends and holidays, of the notice of the violation, and shall detail all actions taken by the owner and/or managing agent in response to all notices of violations at the licensed premises within the preceding twelve (12) months.

Section 38-8. Third Violation. If a third violation of an offense enumerated in Section 38-4 occurs at the premises within twelve (12) months after receipt of the notice sent of the first violation, a civil fine of \$500 will be imposed against the licensee of the rental property.

Section 38-9. Additional Violations. If any further violations occur at the premises within 12 months of the imposition of a \$500 fine, a civil fine of \$1,000 will be imposed against the licensee. The property may also be subject to revocation of the rental license under Article IV.

Section 38-10. Right to Administrative Hearing. No fine will be imposed until after the owner has received notice of the proposed fine and has been afforded the opportunity for a hearing before a hearing officer. If the hearing officer finds a violation of this Section, the hearing officer shall impose the fines set forth herein by written notice to the owner by mail within twenty (20) days of the hearing date, and include written findings.

Section 38-11. No fine will be imposed for a violation of Section 38-4 which occurred during the pendency of an eviction proceeding (unlawful detainer action) or within thirty (30) days, or such other time period required by the lease, of notice given by the owner or managing agent to a tenant to vacate the premises, where the violation related to or occurred in a unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings are not a bar to sanctions pursuant to this Section unless a certified or otherwise acceptable copy is provided to the Building Official or its designee. No action will be taken under this Section against an owner who is personally, or through a designated agent, the complainant on the underlying violation of the provisions of Section 38-4.

Section 38-12. It is irrelevant that the dwelling owners or others were not criminally prosecuted or were acquitted of criminal charges for the incidents which are the basis of the suspension or revocation.

ARTICLE IV. – RENTAL PROPERTY LICENSING

Section 38-13. Definitions.

“Dwelling Unit” consists of one or more rooms which are arranged and used as a living quarter.

“Efficiency Apartment” means an apartment consisting of not more than one (1) habitable room, with kitchen sanitary facilities.

“Owner” means the individual if such owner is a natural person; if the owner is a corporation, by an officer thereof; if a partnership, one of the partners thereof; and if an unincorporated association, the manager or managing officer thereof. The owner is the person, corporation, partnership or unincorporated association who, as listed on the property tax records in the county, is the current title holder of record or contract purchaser of the parcel of land in question.

“Person” means any natural person, that person’s heirs, executors, administrators or assigns, and also includes a firm, partnership, corporation, its successors, assigns or agents of the entity.

“*Rental Property*” means (a) any property which contains one or more dwelling units that is available for occupancy or occupied by a person or persons in the status of a resident other than the owner. (b) A structure which is not owner occupied and contains sleeping rooms available for occupancy or is occupied by a person or persons in the status of a resident.

“*Single Room Occupancy (SRO) Unit*” means any room or group of rooms forming a single habitable unit used or intended to be used for living, sleeping and eating, with a lease period of at least 30 days.

“*Superficial Floor Area*” means the net floor area within the closed walls of a room in which the ceiling height is not less than 5 feet, excluding area occupied by closets and built-in equipment such as cabinets, kitchen units, fixtures and appliances.

“*Workmanlike State of Maintenance or Repair*” means a state of maintenance or repair which reasonably approximates the standard of construction, fabrication, strength, functional utility, durability, surface appearance, and surface composition found in similar work products of professional craftsman performing similar work in the community.

Section 38-14. License Requirement. A person shall not occupy, allow to be occupied, let or offered to be let to another for occupancy, any rental property in the City of Paynesville without first having obtained a rental dwelling license for such rental property from the City. The payment of a fee to be established by Resolution of the City Council and amended from time to time will be required for licensing. Licenses will be valid from the date of issuance through the four-year anniversary of the issuance of the license. However, licenses are not transferrable and properties must be inspected and a new license issued upon sale of a property intended to be rented. Renewal application for a regular rental license must be made sixty (60) days prior to the next license term.

Section 38-15. Application. The application for a license must be made and filed in a form established by the City for such purpose, and must set forth all the information requested.

Section 38-16. License Conditions. Prior to license issuance or within thirty (30) days of transfer of a rental property, the pre-license inspection must be requested. License inspections will be completed by the Building Official or its designee as soon as possible after an application for an inspection has been submitted. Pending completion of the inspection a rental property that is already occupied by a tenant may continue to be occupied. No rental property will be issued a license by the City unless it complies with the provisions of the ordinances of the City of Paynesville and the statutes of the State of Minnesota which pertain to the property, or a mitigation plan to correct violations has been entered into between the license holder and the City with definite timelines for the correction of deficiencies noted in an inspection. The mitigation plan must authorize reinspection of the rental property at the conclusion of the timeline for the correction of deficiencies noted in the inspection.

Section 38-17. Enforcement. In order to compel compliance with licensing requirements, the Building Official or designated staff will have the authority to enter any building at reasonable times, and upon five (5) days’ notice to the property owner. The Building Official or designated staff will have the authority to enter any building at any time by the request of the police department or the fire department to enforce provisions of this ordinance.

Section 38-18. License Revocations, Denials, Non-Renewals & Appeal Process. The Council may revoke, deny or decline to renew any license issued under this Section for property or dwelling units upon any of the following grounds:

- a) False statements on any application;
- b) Failure to pay application fees or penalties for license violations;
- c) Failure to correct deficiencies noted in an inspection or on a notice of violation within the time specified in the notice or within the timelines agreed to between the City and the license holder in an approved mitigation plan;
- d) Failure to comply with provisions of an approved mitigation plan to correct violations;
- e) Failure to allow an authorized inspection of rental property;
- f) Any other violation of this Section; and
- g) Failure to pay taxes, assessments, fines, fees, charges or other financial claims of the City of Paynesville or the State of Minnesota.

A decision to revoke, suspend, deny or not renew a license will be preceded by a written notice to the applicant or licensee of the alleged grounds of the decision. The applicant or licensee will be given thirty (30) days from the date of the written notice to appeal the decision to the City Council before final action to revoke, suspend, deny or not renew a license. A copy of the notice will be mailed to the tenants or occupants of the property. If the decision is appealed, the City Council will give due regard to the frequency and seriousness of violations, the ease with which violations could have been cured or avoided, and good faith efforts to comply, and will issue a decision to deny, not renew, suspend or revoke the license, only upon written findings.

Upon a decision to revoke, deny or not renew a license, no new application for the same facility will be accepted for a period of time specified in the Council's written decision, not to exceed one (1) year.

A written decision to revoke, suspend, deny or not renew a license or application will specify the part or parts of the facility to which it applies. Thereafter, and until a license is re-issued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension or non-renewal of a license will not excuse the owner from compliance with all terms of this Section for so long as any units in the facility are occupied. Failure to comply with terms of this Section during the term of a revocation, suspension, or non-renewal, is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of the non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or non-renewal specified in the City Council's written decision.

ARTICLE V. – MINIMUM STANDARDS

Section 38-19. 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 thereon, which does not comply with the requirements of Sections 38-20 through 38-27.

Section 38-20. Kitchen Sink. Every single dwelling or apartment must contain a kitchen sink in good working condition and must be properly connected to a water and sewer system in compliance with the building code.

Section 38-21. Toilet and Lavatory Basin. Every single dwelling or apartment (except as otherwise permitted by Section 38-23) must, within 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 in compliance with the building code. Any other bathroom fixtures located elsewhere in the dwelling or apartment must also comply with these requirements.

Section 38-22. Bathtub or Shower. Every single dwelling or apartment (except as otherwise permitted by Section 38-23) must contain, within 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 in compliance with the building code. Any other bathroom fixtures located elsewhere in the dwelling or apartment must also comply with these requirements.

Section 38-23. Sharing of Sanitary Facilities. Two apartments or one apartment, together with not more than two rooming units, may share sanitary facilities when such sanitary facilities consist of a water closet, lavatory basin and bathtub or shower.

Section 38-24. Hot and Cold Water. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Sections 38-20 through 38-23 must be properly connected with both hot and cold water lines.

Section 38-25. Water Heating Facilities. Every dwelling must have water heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under the provisions of Section 38-24, 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 one hundred twenty (120) degrees Fahrenheit. 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 Section 38-26 are not in operation.

Section 38-26. 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 and bathrooms in every apartment located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit, at a distance three feet above the floor level and not closer than two (2) feet from an outside wall, window or door, when the temperature outside is minus twenty (20) degrees Fahrenheit. When the owner or operator of a dwelling controls heating facilities, such facilities must be in operation on any date where the outside air temperature, as measured at the Paynesville Municipal Airport, falls below fifty (50) degrees Fahrenheit.

Section 38-27. Solid Waste Storage Containers. Every dwelling or apartment must be supplied with adequate solid waste storage containers. While being accumulated and stored for collection and transportation to a permitted disposal facility, solid waste must be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll off containers) that are rust, impact, vermin and leak resistant. Solid waste may be stored for collection no longer than the length of scheduled collection or one week, whichever is shorter. Occupants utilizing the services of a commercial hauler may place acceptable containers of solid waste, recyclable materials or yard waste at the curb or collection site no sooner than the evening prior to scheduled collection and must remove the empty containers the same day as collection.

Section 38-28. Maintenance of Solid Waste Containers. The responsible tenant must maintain solid waste containers in a neat, clean and sanitary condition so as to prevent insect breeding, nuisances and unsightly conditions. The responsible tenant, the collector, or the owner or management firm (depending upon who supplies them) must maintain the containers in good repair. The term “responsible tenant” means any occupant, tenant, owner, manager or custodian of any residence, apartment or dwelling unit. Solid waste dumpsters and containers with an individual capacity of 1.5 cubic yards or more must not be stored in buildings or placed within five (5) feet of combustible walls, openings, exterior stairs or combustible roof eave lines. Notwithstanding anything in this Section to the contrary, dumpsters with an individual capacity of 1.5 cubic yards or more may be stored in rooms designed and approved for such use.

Section 38-29. 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 requirements of Sections 38-30 through 38-38.

Section 38-30. Portable Fire Extinguishers. There must be provided and installed in each apartment or dwelling unit in building with three (3) or more units at least one (1) portable fire extinguisher complying with the standards prescribed by the state fire code and having a minimum rating of 1-A:10-B:C, or one portable fire extinguisher complying with the standards prescribed by the state fire code and having a rating of not less than 2-A:10-B:C provided and installed within fifty (50) feet of each apartment entrance, without intervening stairways. Fire extinguishers must be mounted in a conspicuous location not more than sixty (60) inches from the finished floor. Each portable fire extinguisher must bear an inspection tag indicating service within the past twelve (12) months, a valid six (6)-year maintenance label and a valid hydrostatic test label.

Section 38-31. Smoke Alarms/Smoke Detectors. Smoke alarms/smoke detectors shall be provided:

- a) In each sleeping room;
- b) Outside each separate sleeping area in the immediate vicinity of bedrooms;
- c) On each additional story of the dwelling, including basements and habitable attics, and including crawl spaces and uninhabitable attics;
- d) In dwellings or dwelling units with split levels and without intervening floors between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent

lower level, provided the lower level is less than one (1) full story below the upper level; and

e) Not less than three (3) feet horizontally from the door opening of a bathroom that contains a bathtub or shower, unless this would prevent placement of a smoke alarm required by this section.

Section 38-32. Carbon Monoxide Alarms. Carbon monoxide alarms in dwelling units shall be installed outside of and not more than ten (10) feet from each sleeping area or bedroom. Alarms shall be installed on each level containing sleeping areas or bedrooms. Where a fuel burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

Section 38-33. Fire Alarm Systems. Fire alarm systems are required to be installed in newly registered residential apartment buildings with dwelling units on or above the third floor or containing more than 16 dwelling units in accordance with the building and fire code. A separate fire alarm system is not required in buildings protected throughout by an approved supervised automatic fire sprinkler system that provides an alarm to alert occupants of a fire condition. All fire alarm systems must be properly tested and maintained by an approved licensed contractor at least annually, in accordance with the fire code, the electric code and NFPA Standard 72. An inspection tag, inspection certificate or proof of inspection must be provided.

Section 38-34. Sprinkler Systems. Automatic fire sprinkler systems must be properly tested by an approved contractor at least annually in accordance with the state fire code. An inspection tag, inspection certificate or proof of annual testing must be provided.

Section 38-35. Exits. Exits must comply with the building code.

Section 38-36. Emergency Escape or Rescue Openings in Sleeping Rooms.

a) Emergency escape or rescue openings must be provided in all sleeping rooms in accordance with the building code or fire code. In any case, the escape opening must provide:

- i) A minimum twenty-four (24)-inch clear, opening height;
- ii) A minimum twenty (20)-inch clear, opening width;
- iii) A minimum five (5)-square-foot clear opening; and
- iv) A finished sill height not more than forty-eight (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.

b) Notwithstanding anything in subsection (a) of this Section to the contrary, escape windows are not required if a building is protected throughout by an approved automatic fire sprinkler system.

Section 38-37. Locking Devices.

- a) All building exit doors must be operable from the inside without the use of a key, or special knowledge or effort. Exit doors must not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices must be of an approved type.
- b) Notwithstanding anything in subsection (a) of this section to the contrary, exit doors from individual dwelling units having an occupant load of ten (10) or less may be provided with a night latch, dead bolt or security chain, provided such devices are operable from the inside without the use of a key or tool, and mounted at a height not to exceed forty-eight (48) inches above the finished floor.

Section 38-38. Mechanical Rooms. Combustible material must not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.

Section 38-39. Fueled Equipment. Fueled equipment, including, but not limited to, motorcycles, mopeds, lawn care equipment and portable cooking equipment, must not be stored, operated or repaired within a residential building, except in a room constructed for that purpose in accordance with the building code.

Section 38-40. Light & Ventilation – General Compliance. 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 requirements of Sections 38-41 through 38-44.

Section 38-41. Light & Ventilation – Aggregate Glazing (to provide natural light) & Opening Requirement. All habitable rooms must be provided with artificial light of no less than a 60-watt light bulb or a window and adequate ventilation by means of an operable window or mechanical ventilation.

Section 38-42. Light & Ventilation – For Bathrooms, Etc.

- a) Every water closet compartment, bathroom or similar room must be provided with at least three (3)-square feet of window area, half of which is operable.
- b) Notwithstanding anything in subsection (a) of this Section to the contrary, glazed openings are not required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates must be fifty (50) cfm for intermittent ventilation or twenty (20) cfm for continuous ventilation.

Section 38-43. Electrical Equipment. All electrical equipment, wiring and appliances must be properly installed and maintained in a safe and approved manner. Every habitable space in a dwelling must contain at least two (2) duplex receptacle outlets or one (1) receptacle and a ceiling type lighting fixture. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler and furnace room must contain at least one electric lighting fixture.

Section 38-44. Lighting of Public Halls and Stairways. Every public hall and stairway in every apartment house must be lit at all appropriate times with a motion sensor light.

Section 38-45. Basement Screens. Every basement window used or intended to be used for ventilation, and every other opening to a basement that might provide an entry for rodents, must be supplied with a screen or such other device as will effectively prevent their entrance.

Section 38-46. Space, Use & Location. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living therein that does not comply with the requirements of Sections 38-48 through 38-55.

Section 38-47. Area. Every single dwelling or apartment must contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof. Floor space must be calculated on the basis of total habitable room area.

Section 38-48. Area of Sleeping Rooms. In every apartment of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant must contain at least seventy (70) square feet of floor area. Every room occupied for sleeping purposes by more than one occupant must contain at least fifty (50) square feet of floor area for each occupant thereof.

Section 38-49. Access to Bathroom. No dwelling or apartment containing two (2) or more sleeping rooms may have a room arrangement that requires access to a bathroom or water closet compartment to occur by going through another sleeping room to occur by going through a bathroom or water closet compartment.

Section 38-50. Minimum Height, New Buildings.

a) At least one-half of the floor area of every habitable room must have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling height is less than five (5) feet may not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

b) Habitable spaces, including hallways, bathrooms, laundry rooms, and portions of basements containing these spaces shall have a ceiling height of not less than seven (7) feet. The required height shall be measured from the finished floor to the lowest projection from the ceiling.

Exceptions:

i) For rooms with sloped ceilings, at least fifty (50) percent of the required floor area of the room shall have a ceiling height of at least seven (7) feet and no portion of the required floor area may have a ceiling height of less than five (5) feet.

ii) Bathrooms shall have a minimum ceiling height of six (6) feet eight (8) inches at the center of the front clearance area for toilet rooms, bidets or sinks. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of six (6) feet eight

(8) inches above a minimum area thirty (30) inches by thirty (30) inches at the showerhead.

Section 38-51. Alterations to Existing Building Basements. Alterations to portions of existing basements shall comply with the provisions of this section.

Section 38-52. Minimum Ceiling Height, Existing Buildings. Alterations to existing basements or portions thereof shall have a ceiling height of not less than six (6) feet four (4) inches, including beams, girders, ducts, or other obstructions.

Section 38-53. Minimum Width. No habitable room other than a kitchen may be less than seven (7) feet in any dimension. No toilet may be less than thirty (30) inches in width. There must be at least twenty-one (21) inches of clear space in front of each toilet.

Section 38-54. Basement Apartments. An apartment or rooming unit may be located in a basement when all of the following requirements are met:

- a) The floor and walls are adequately sealed from leakage of underground and surface runoff water.
- b) Proper ventilation is secured as required by Section 38-41.
- c) All habitable rooms are entirely sealed off from the central heating plant with a one (1)-hour fire separation or other means approved by the Building Official or its designee. The central heating plant is provided with a combustion air intake installed in accordance with the building code.
- d) The basement must have at least one (1) outside doorway.
- e) The unit is in compliance with all other applicable provisions of this Code.

Section 38-55. Efficiency Apartment. Notwithstanding Section 38-53, an efficiency apartment, as defined in the building code, may be permitted if it satisfies all of the following requirements:

- a) The efficiency apartment must have a habitable room of not less than two hundred twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area must be provided for each occupant in excess of two (2) of that apartment.
- b) The efficiency apartment must be provided with a kitchenette that is equipped and arranged for complete kitchen use.
- c) The kitchenette must be equipped with a tenant-operated electric exhaust fan not less than one hundred (100) cfm connected to the outside air.
- d) The efficiency apartment must be provided with a separate bathroom meeting the requirements of this chapter.

Section 38-56. Single Room Occupancy (SRO) Units. An SRO, as defined in Section 38-13, may be permitted if it satisfies all of the following:

- a) The SRO unit must have a habitable room of not less than one hundred twenty (120) square feet of superficial floor area. An additional fifty (50) square feet of superficial floor area must be provided for each occupant in excess of two (2).
- b) The SRO unit shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be used within the unit. Heat producing food preparation appliances, including, but not limited to, stoves, hot plates, electric fry pans, crock pots, and toaster ovens, shall not be used or stored within the unit.
- c) The SRO unit must be provided with a separate bathroom meeting the requirements of this chapter or shared facilities in accordance with the fixture requirements of the building code in effect at the time of issuance of the initial registration certificate.

Section 38-57. Identification of Rental Facilities. All buildings must have address numerals on the front of the building as close to the main entrance as practicable. Lettering must be at least four (4) inches in height, be of a contrasting color to the background and be plainly legible from the street. The entrance door to every apartment or rooming unit in any dwelling must be plainly marked on the outside, either numerically or alphabetically.

ARTICLE VI. – MAINTENANCE OF RENTAL PROPERTIES

Section 38-58. 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 provisions:

- a) Foundations, Exterior Walls and Surfaces, Roofs. Every foundation, chimney, exterior wall and surface, and roof shall be weathertight, watertight, rodent-proof and insect-proof, and shall be kept in a workmanlike state of maintenance and repair.
 - i) The foundation elements shall support the building at all points.
 - ii) Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers, and any other condition which might admit rodents, rain or dampness to the interior portions of the walls or to the interior space of the dwelling.
 - iii) The roof shall be tight and have no defects which admit rain or other forms of moisture. Roof drainage shall be such that it prevents rain water from causing dampness in the walls.
 - iv) All exterior surfaces shall be of a material manufactured and processed specifically for use in a weather-exposed location, including roofing, exterior painted wood, masonry, exposed redwood and other naturally suitable materials. Exterior walls shall be maintained and kept free from dilapidation, including those conditions caused by extensive cracks, tears or breaks, and by extensively deteriorated plaster, stucco, brick, wood or other materials or combinations of materials.

v) The exposed surface of exterior walls on a building above ground level shall be maintained in good repair so as to provide both sufficient covering and sufficient protection of the surface underneath against its deterioration. For example, no structure shall have more than ten (10) percent of the pointing of any masonry chimney or more than twenty-five (25) percent of the pointing of any masonry wall in a condition which is loose or has fallen out, or otherwise does not exist.

vi) More than ten (10) percent of the pointing of any masonry chimney or more than twenty-five (25) percent of the pointing of any masonry wall is loose, has fallen out, or otherwise does not exist.

b) Interior Walls, Floors & Ceilings. Every interior partition wall, floor and ceiling shall be capable of affording privacy, and shall be kept in a workmanlike state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.

i) The interior walls and ceiling must be free of loose plaster and other structural material, the collapse of which may constitute an accident hazard.

ii) The floors must be free of holes and wide cracks which may admit rodents or which constitute a possible accident hazard. The floor must be free of loose, warped, protruding and rotting floor boards.

iii) Every habitable room, closet, bath or toilet room, and connecting corridor, shall have walls and ceilings of tight and sound construction covering all studs, and floor and ceiling joists.

c) Windows, Exterior Doors, & Basement Hatchways. Every window, exterior door and basement hatchway shall be weathertight and rodent-proof and shall be kept in working condition and in a workmanlike state of maintenance and repair. In addition to these general standards:

i) Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

ii) Every entrance door to an apartment or rooming unit within a dwelling shall be equipped with a suitable lock in good working condition to provide security for the occupants.

d) Stairways, Exterior Porches and Decks, Landings, and Floor Levels. Every inside and outside stairway, every exterior porch and deck, landing and floor level and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in a sound condition and in a reasonably good state of maintenance and repair.

i) Every flight of stairs and exterior porch and deck, landing and floor level shall be free of holes, grooves and cracks which are large enough to constitute a possible accident hazard. The construction, design and headroom of stairways, exterior porches and decks, landings and floor levels shall conform to the building code.

- ii) Every stairwell and every flight of stairs which are four or more risers high shall have hand rails not less than thirty (30) inches nor more than thirty-four (34) inches above the nosing of treads and every exterior porch and deck, landing, and floor level which is more than thirty (30) inches above grade shall have hand rails not less than thirty-six (36) inches above the platform. The construction and design of handrail intermediates shall conform to the building code.
- iii) Every hand rail shall be fastened and maintained in a workmanlike condition. No flight of stairs shall have settled more than one (1) inch out of its intended position or have pulled away from supporting or adjacent structures.
- iv) No flight of stairs shall have rotten or deteriorated supports. The treads of every flight of stairs shall be uniform in height. Every stair tread shall be sound and securely fastened in position.
- v) Every stair tread shall be strong enough to bear the load required by the building code.
- vi) Every exterior porch and deck, landing, and floor level shall have sound floor and supports.
- vii) All outside stairways, fire escapes and exit ways shall be maintained unobstructed, and free of ice and snow. All outside stairways that serve as an entrance to an upper story apartment or rooming unit shall have a light located at the head of the stairway capable of lighting the entire stairway. This light may be controlled by three-way switches, one at the bottom of the stairway, and one at the top, or it may be a sensor light, activated by motion or dusk.
- e) Bathroom Room Floor. Every bathroom floor surface shall be maintained so as to be impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.
- f) Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained free from defects, leaks or obstructions.
- g) Functioning of Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this Code shall be so constructed and installed that it will function safely and effectively, and shall be kept in a workmanlike state of maintenance and repair.
- h) Discontinuance of Required Services, Facilities, Equipment or Utilities. No owner or operator shall cause any service, facility, equipment or utility, which is required to be supplied under the provisions of this Code, to be removed, shut off, or discontinued in any dwelling or apartment let or occupied by such person, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in process of being made.
- i) Responsibility for Maintenance of Dwellings and Apartments. Except as specifically provided herein, the responsibility for maintenance of dwellings and apartments is the responsibility of the landlord.

j) Public Areas. Every owner of a dwelling containing two (2) or more apartments shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.

k) Responsibility of the Occupant. Every occupant of a dwelling or apartment shall keep in a clean and sanitary condition that part of the dwelling, apartment and premises thereof which he occupies and controls.

l) Responsibility for Rubbish and Garbage. Every occupant of a dwelling or apartment shall dispose of all refuse in a clean and sanitary manner by placing it in garbage disposal facilities or refuse storage containers as prescribed in Section 8. The owner shall supply such facilities or containers for all apartments in a dwelling containing more than four (4) apartments and for all apartments located on premises where more than four (4) apartments share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner furnishes such facilities or containers or has agreed to furnish them.

m) Extermination. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of an apartment in a dwelling containing more than one (1) apartment shall be responsible for such extermination whenever his apartment is the only one infested. Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the apartments in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more apartments, extermination thereof shall be the responsibility of the owner.

n) Non-Dwelling Structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rodents, vermin and insects and shall be kept in a reasonably good state of maintenance.

o) Fences. Every fence in such condition as to constitute a public health or safety hazard shall be repaired or removed.

p) Grading and Draining of Premises. All premises shall be graded and maintained so no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

q) Open Areas.

i) *Open Area Defined*. The term "open area" means that part of a residential lot or property that is not covered by a building or structure, regardless of whether the view from outside the property is shielded by a fence, vegetation structure. The term "open area" includes, but is not limited to, the yard, open porches, and areas under structure not entirely enclosed, such as a carport.

ii) *Maintenance and Sanitary Condition*. All open areas and parts of premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, the removal of inoperable machines,

appliances, fixtures and equipment, the removal of lumber piles and building materials not being used in actual construction on the premises unless such premises are being used by a business dealing in or requiring the use of such lumber and materials, and the storage of these materials for business use is allowed or permitted by ordinance, the removal of tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires, and other garbage and debris, and the removal of furniture and other items of the type not designed or intended to be stored outside or in such a manner that they are exposed to weather and climatic conditions.

r) Non-Conforming Motor Vehicles.

i) The term “motor vehicle” means every vehicle which is self-propelled.

ii) No person shall place, park, permit to remain, store or leave in an open, unenclosed space, of any premises governed by this dwelling inspection, rental licensing and regulation ordinance, any motor vehicle unless it conforms with all of the following requirements:

a) The vehicle must have affixed to it a valid current motor vehicle license.

b) The vehicle must not lack essential parts that would render it inoperable; and

c) The vehicle must not be in a rested, wrecked, partially dismantled or junked condition.

iii) If a motor vehicle fails to meet any of the above requirements, the owner or possessor of the motor vehicle shall be responsible to remove the motor vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten (10) working days of a demand by the City. In the event the owner or possessor of the motor vehicle cannot be located, then it shall be the responsibility of the owner of the premises to remove the motor vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten (10) working days of a demand by the City.

s) Violations a Public Health or Safety Hazard. A person who creates, maintains or allows to continue a condition on property which poses a risk to the health or safety of the public, including, but not limited to, in violation of Articles 3, 4, 5 and 6 of this Ordinance, shall be deemed to have created in the City a public health or safety hazard, which is subject to abatement by the City as provided in Section t – Abatement Procedure.

t) Abatement Procedure.

i) If the owner or occupant thereof fails, within five (5) days after posting by first class mail of a notice, to abate a public health or safety hazard contained on any property, the City, by and through its authorized personnel, may enter upon such property and abate the public health hazard by any reasonable means, including the contacting with a private person to do so.

ii) Any expenses incurred by the City in the abatement of a public health or safety hazard under this Section shall be the responsibility of the property owner, and if subsequently

unpaid for a period of ninety (90) days, may be levied as a special assessment against the benefited property and collected as in the case of other special assessments in the same manner as real estate.

ARTICLE VII. – LIMITATION ON RENTAL HOUSING IN LOW DENSITY NEIGHBORHOODS

a) In neighborhoods zoned as “R-1” – Single Family Residential District; and “R-2” – Single & Two Family Residential District, thirty (30) percent (rounded up) of the lots in any block shall be eligible to obtain certification as rental property. This shall include homes in which roomers and/or boarders are taken in by the resident family. This shall not include bed and breakfasts and other owner-occupied tourist homes. Any rental units within a block in excess of the rental unit certification, which exists on the date of the passage of this Ordinance, shall be considered a pre-existing use and shall be allowed to continue so long as the property is used as a rental.

b) A block is defined as a group of properties bounded entirely by streets, public land, railroad rights-of-way, zoning district lines, or corporate limits for physical features such as rivers; provided that the final delineation of a block shall be made by City staff. When determining the number of eligible properties in a block, the number shall be the lowest number that results in thirty (30) percent (rounded up) of the residential lots being rentals.

c) In cases in which one portion of the block is in an affected zone and another portion in an exempt zone, only the affected portion is subject to the regulation.

d) State licensed residential facilities shall not be included in the calculation of the thirty (30) percent limit.

Section 2. This Ordinance shall take effect upon its adoption and publication or upon the publication of a summary of this Ordinance as provided by Minnesota Statute Section 412.191, Subd. 4.

Section 3. The City Council hereby determines that the text of the summary of this Ordinance marked “Official Summary” of Ordinance No. 21, 3rd Series, a copy of which is attached to this Ordinance, clearly informs the public of the intent and effect of this Ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and effect of this Ordinance. The City Administrator shall file a copy of this Ordinance and a summary in the City Administrator’s office, which shall be available for inspection by any person during regular office hours. A copy of the Ordinance shall be available in the community library, if there is one, or if not, in any other public location which the Council designates.

Adopted by the City Council this _____ day of _____, 2020.

Jeff Thompson, Mayor

ATTEST:

Tariq Al-Rifai, City Administrator

Published in the Paynesville Press on _____.