

City Code Chapter 13

Housing

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Article 1. General Conditions

Sec. 13-1. Scope of Chapter.

Every portion of a building or premises used or intended to be used for residential purposes shall comply with the provisions of this Chapter irrespective of when the building was constructed, altered, or repaired. Any alterations or changes of use which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with applicable sections of the Building Code and Zoning Code. Rest homes, convalescent homes, nursing homes, hotels, and motels shall be exempted from compliance with this Chapter. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-1.1. Assurance of Rental Housing.

It is the purpose of this Chapter to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens who occupy the units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children. (Ord. No. 679, 2-13-01)

Sec. 13-2. Pre-Existing Dwellings and Multiple Dwellings.

This Chapter establishes minimum standards for the initial and continued occupancy of all buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of building equipment or facilities. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-3. Definitions.

Terms not defined in this Section shall be as defined in the Building Code or Zoning Code. Further, terms not defined in this Section nor in the Building Code or Zoning Code shall have the ordinary and accepted meanings as the context shall require.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

- (1) **Approved.** As applied to a material, device, or method of construction as approved by the Enforcement Officer under the provisions of this Chapter or approved by another authority designated by law to give approval in the matter in question.
- (2) **Basement.** The portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.
- (3) **Building Code.** The Building Code of the City including any future amendments, the Electrical Code, Plumbing Code, Heating Code, Fire Code, and Zoning Code.
- (4) **Cellar.** The portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.
- (5) **Dwelling.** Any building or portion thereof which is designed or used primarily for residential purposes.
- (6) **Dwelling Unit.** A residential accommodation which includes a complete and permanently installed kitchen facility which is arranged, designed, used, or intended for use primarily as living quarters for one family and not more than an aggregate of two roomers or boarders.
- (7) **Enforcement Officer.** Representative of the City responsible for the enforcement of the provisions of this Chapter.
- (8) **Exterior Property Areas.** Open space on the premises under the control of the owners or operators of the premises.
- (9) **Extermination.** The control and elimination of insects, rodents, or other pests by:
 - A. Eliminating their harborage places.
 - B. Removing or making inaccessible materials that may serve as their feed.
 - C. Poison spraying, fumigating, trapping, or another recognized and legal pest elimination method.
- (10) **Family.** A group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, hotel, or motel.
- (11) **Grade.** The surface of the ground or surface ground after completion of any change in contour.

(12) **Gross Floor Area.** The sum of the horizontal areas of the several floors of all buildings on a lot as measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

(13) **Habitable Room.** A room occupied by one or more persons used or intended for living, cooking, eating, or sleeping purposes. This definition does not include bathrooms, closets, water closet compartments, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.

(14) **Infestation.** The presence of insects, rodents, vermin, or other pests within or contiguous to a multiple dwelling, dwelling unit, rooming house, rooming unit, or premises.

(15) **Multiple Dwelling.** A building or portion thereof containing three or more dwelling units.

(16) **Occupant.** Any person over one year of age living and sleeping in a dwelling unit or having actual possession of the dwelling or rooming unit.

(17) **Openable Area.** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(18) **Operator.** Any person who has charge, care, or control of a multiple residence or rooming house in which dwelling units or rooming units are let or offered for occupancy.

(19) **Owner.**

- A. Owner or owners of the freehold of the premises or lessor estate therein;
- B. A mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee; or
- C. Other person in control of a building, including their managers and agents.

(20) **Plumbing or Plumbing Fixtures.** Water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machine, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

(21) **Premises.** A lot, plot, or parcel of land including the building or structures thereon.

(22) **Residence Building.** A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

(23) **Rooming House.** A residence building or any part thereof containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not the husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

(24) **Rooming Unit.** Any room or group of rooms forming a single habitable unit which is used or intended to be used for living and sleeping but not for cooking or eating purposes.

(25) **Supplied.** Installed, furnished, or provided by the owner or operator.

(26) **Workmanlike state of maintenance and repair.** Maintenance and repair shall be made in a reasonably skillful manner.

(27) **Yard.** All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a residence building.

(28) **Ventilation.** The process of supplying and removing air by natural or mechanical means to or from any space. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-4. Enforcement Officer.

City personnel or their designees shall be responsible for enforcement of the provisions of this Chapter. Authorized representatives include the Building Inspector, the Fire Marshal, and the Sanitarian. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-5. Inspection of Dwellings.

(1) The Enforcement Officer shall be authorized to make inspections to determine the condition of dwellings, multiple dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the health, safety, morals, and welfare of the public.

(2) The Enforcement Officer, or the Officer's designated representative, shall be authorized to enter any dwelling, dwelling unit, multiple dwelling, rooming house, or premises at any reasonable time to perform the duties prescribed under this Chapter. The owner, operator, or occupant shall give the Enforcement Officer free access to the entire area for the purpose of completing an inspection, examination, or survey. The license shall be revoked if the Enforcement Officer is not permitted access.

(3) A search warrant may be obtained when the occupant refuses to consent to the inspection where:
A. There is probable cause to believe a violation exists within the particular structure; or
B. A determination has been made to conduct periodic inspections of certain areas of the City.

(4) No warrant is needed for entry where an emergency condition exists which endangers persons or property and insufficient time is available to obtain a warrant and protect endangered persons or property.

(5) Entry under this Section is subject to Minnesota Statutes, Section 504B.211. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-6. Annual Inspections of Multiple Dwellings.

The Enforcement Officer shall inspect the premises of all multiple dwelling buildings at least once a year to insure compliance with this Chapter. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-7. Access by Owner of Multiple Dwellings.

Every occupant of a dwelling unit or rooming unit shall give the owner or operator access to any part of the dwelling unit, rooming unit, or its premises at reasonable times for inspections, maintenance, and making such repairs or alterations as may be necessary to comply with the provisions of this Chapter. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-8. Notice of Violation.

(1) **Written Notice.** When any violation of this Chapter shall come to the attention of the Enforcement Officer, written notice shall be provided to the licensee or if no license has been issued, notice shall be provided to the owner, operator, or occupant of the premises. Notice shall be by United State mail at the last known address of such person and notice shall also be posted in at least one conspicuous place upon the premises where the violation exists.

(2) **Time to Correct.** The notice shall give the alleged violator a specified number of days, not exceeding thirty days, to correct the violation. The Enforcement Officer shall have the authority to extend the time to correct the violation upon good cause being shown.

(3) **Prosecution.** Prosecution for any violation of this Chapter shall not be commenced unless the notice as provided in this Section has been provided and the cited violation has not been remedied within the time specified. Failure to receive the notice shall not be a defense in any prosecution.

(4) **Reinspection Fee.** A fee shall be charged for all reinspections required because of a violation that is not corrected by the time specified in the written notice. The fee shall be established by ordinance. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01, Ord. 751, 11-13-2007)

Sec. 13-9--13-29. Reserved. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Article 2. Minimum Standards

Division 1 - Exterior Property Areas

Sec. 13-30. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein which does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-31. Sanitation.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-32. Grading and Drainage.

All premises shall be graded and maintained to prevent the accumulation of stagnant water on the premises or within any building or structure located thereon. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-33. Noxious Weeds.

All exterior property areas shall be kept free from species of weeds or plant growth that are noxious or detrimental to the public health. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-34. Insect and Rodent Harborage.

(1) Every owner and occupant of a structure containing two or more dwelling units shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises. The owner shall be responsible for extermination when infestation exists in the shared or public parts of the premises.

(2) In the case of a single family structure, the occupant shall be responsible for the extermination of insects, rodents, and vermin in all exterior property areas. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-35. Accessory Structures.

All accessory structures including detached garages shall be maintained, structurally sound, and in good repair. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-36. Unoccupied Structure.

The owner of every unoccupied dwelling or multiple dwelling shall be responsible for the maintenance of exterior property areas required under this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-37--13-43. Reserved.

Division 2 - Exterior of Structures

Sec. 13-44. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein that does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-45. Foundations, Walls, and Roofs.

Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

- (1) The foundation elements shall adequately support the building at all points.
- (2) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the multiple dwelling.
- (3) The roof shall be tight and have no defects that admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-46. Stairs, Porches, and Railings.

- (1) Every outside stair, porch, and appurtenance attached thereto shall be constructed so as to be safe for use and capable of supporting a load as determined in the Building Code. These areas shall be kept in sound condition and good repair.
- (2) Every flight of stairs which is more than four risers high shall have hand rails that are located as provided by the Building Code.
- (3) Every porch which is more than eighteen inches above grade shall have rails so located and capable of restraining a horizontal pressure as determined by the Building Code.
- (4) Every rail and balustrade shall be firmly fastened and maintained in good condition. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-47. Windows, Doors, and Hatchways.

Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

- (1) Every window shall be fully supplied with window panes that are without open cracks or holes.
- (2) Every window sash shall be in good condition and fit reasonably tightly within its frame.
- (3) Every window, other than a fixed window, shall be capable of being easily opened and shall be held in an open or closed position by window hardware.

- (4) Every exterior door, door hinge, and door latch shall be in good condition.
- (5) When closed, every exterior door shall fit reasonably well within its frame.
- (6) Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the dwelling or multiple dwelling.
- (7) Every basement hatchway shall be constructed and maintained so as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multiple dwelling.
- (8) Every door available as an exit shall be capable of being opened easily and without the use of a key from the inside. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-48--13-54. Reserved.

Division 3 - Interior Structures

Sec. 13-55. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein which does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-56. Free from Dampness.

All cellars, basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-57. Structural Members.

The supporting structural members shall be maintained structurally sound and show no evidence of deterioration. The load bearing capability shall be as required by the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-58. Interior Stairs and Railings.

(1) All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped, or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as determined by the Building Code.

(2) Every stairwell and every flight of stairs that is more than four risers high shall have hand rails or railings as required by the Building Code.

(3) Every hand rail or railing must be firmly fastened and must be maintained in good condition. Properly balustraded railings capable of bearing normally imposed loads as determined by the Building Code shall be placed in the open portions of the stairs, balconies, landings, and stairwells. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-59. Bathroom Floors.

Every toilet room floor surface and bathroom floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be easily kept in a clean and sanitary condition. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-60. Sanitation.

The interior shall be maintained in a clean and sanitary condition and free from accumulation of rubbish or garbage. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-61. Insect and Rodent Harborage.

(1) Every owner of a structure containing two or more dwelling units shall be responsible for the extermination of insects, rodents, vermin, or other pests wherever infestation exists in two or more dwelling units or in the shared or public parts of the structure.

(2) The occupant of a dwelling unit in a dwelling or multiple dwelling shall be responsible for extermination within that unit when it is the only one infested.

(3) Whenever infestation of rodents is caused or permitted by failure of the owner to maintain the dwelling or multiple dwelling in a rodent proof condition, extermination of the rodents shall be the responsibility of the owner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-62. Interior Walls, Floors, Ceiling, and Woodwork.

All interior walls, floors, ceilings, and associated woodwork or trim must be maintained in a sound condition and workmanlike repair. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-63--13-69. Reserved.

Division 4 - Basic Facilities

Sec. 13-70. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating that which does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-71. Water Closet.

Every dwelling unit shall contain within its walls a room that affords privacy and is equipped with a water closet and is separate from the habitable rooms. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-72. Lavatory.

Every dwelling unit shall contain a lavatory that, when a water closet is required, shall be in the same room with the water closet. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-73. Bathtub or Shower.

Every dwelling unit shall contain a room that affords privacy to a person in the room and that is equipped with a bathtub or shower. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-74. Kitchen Sink.

Every dwelling unit shall contain a kitchen sink apart from the lavatory requirement in Section 13-72. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-75. Connection to Water and Sewer System.

Every required kitchen sink, lavatory basin, bathtub, shower, and water closet shall be properly connected to either a public water and sewer system or to an approved private water and sewer system and shall be supplied with hot and cold running water. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-76. Water Heating Facilities.

Every dwelling or unit shall be supplied with water heating facilities which shall be:

- (1) Installed in an approved manner, properly maintained, and properly connected with hot water lines.
- (2) Capable of heating and delivering water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facilities or other similar units at a temperature of not less than 130 degrees Fahrenheit (54 degrees Celsius) at any time needed. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-77. Heating Facilities.

(1) Every dwelling and multiple dwelling unit shall have heating facilities.

(2) The owner shall be required to see that the heating facilities are properly installed, safely maintained, and in good working condition.

(3) The owner shall ensure that the facilities are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms to a temperature of at least eighty degrees Fahrenheit (27 degrees Celsius) with an outside temperature of minus twenty degrees Fahrenheit (minus 29 degrees Celsius). The heating facilities shall be capable of maintaining a minimum room temperature of seventy degrees Fahrenheit (21 degrees Celsius) at three feet above the floor in all habitable rooms including bathrooms and toilets at all times when rented. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-78. Operation of Heating Facility and Incinerator.

Every heating or water heating facility must be installed and operated in accordance with the requirements of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-79--13-85. Reserved.

Division 5 - Installation and Maintenance

Sec. 13-86. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, multiple dwelling, rooming house or rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein that does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-87. Plumbing Fixtures.

Every water line, plumbing fixture, and drain shall be:

- (1) Properly installed, connected, and maintained in working order;
- (2) Kept free from obstructions, leaks, defects; and
- (3) Capable of performing the function for which it was designed.
- (4) Repairs and installations shall be made in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-88. Plumbing Systems.

Every stack, waste, and sewer line shall be installed and maintained so as to function properly and be kept free from obstructions, leaks, and defects to prevent structural deterioration or a health hazard. All repairs and installations shall be made in accordance with provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-89. Heating Equipment.

Every space heating, cooking, and water heating device located in a dwelling or multiple dwelling shall be properly installed, connected, maintained, and capable of performing the function for which it was designed in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-90. Electrical Service, Outlets, and Fixtures.

- (1) All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the Building Code.
- (2) Every electrical outlet and fixture shall be installed, maintained, and connected to the source of electrical power in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-91. Maintenance of Facilities and Equipment.

(1) All required equipment and all building space and parts in all dwelling units shall be constructed and maintained to properly and safely perform their intended function in accordance with the provisions of the Building Code.

(2) All housing facilities shall be maintained in a clean and sanitary condition so as to not breed insects and rodents or produce dangerous or offensive gases or odors. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-92--13-98. Reserved.

Division 6 - Light and Ventilation

Sec. 13-99. Light and Ventilation.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, multiple dwelling, rooming house, or rooming unit, or portion thereof for the purpose of living, sleeping, cooking, and eating therein that does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-100. Natural Light in Habitable Rooms.

(1) Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. If the room is connected to a room or area used seasonally, such as a porch, then adequate daylight must be possible through this inter-connection.

(2) The minimum total window area measured between stops for every habitable room shall be ten percent of the floor area of the room.

(3) Whenever walls or other portions of like obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the minimum total window area. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-101. Natural Light in Non-Habitable Rooms.

Every room, other than a habitable room, used or occupied by persons shall comply with the provisions of this Section. This Section shall not apply to a room with infrequent occupancy.

(1) The room shall be provided with at least one window opening directly onto a street, court or be equipped with ventilating skylights which comply with the requirements of this Article; or

(2) The room shall be provided with an approved means of mechanical ventilation. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-102. Light in Non-Habitable Work Space.

Every laundry, furnace room, and similar non-habitable work space shall have at least one functioning electric light fixture available at all times. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-103. Light in Public Halls and Stairways.

Every public hall and inside stairway shall be adequately lighted at all times with an illumination of at least five lumens per square foot in the darkest portion of the normally traveled stairs and passageways. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-104. Electric Outlets Required.

Every habitable room, kitchen, public hall, water closet compartment, bathroom, laundry room, and furnace room shall have the minimum number of electrical outlets and electrical lighting fixtures as provided for in the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-105. Adequate Ventilation.

Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. A total openable window area in every habitable room shall be equal to at least fifty percent of the minimum window area size required in Section 13-100 except where mechanical ventilation is provided in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-106. Bathrooms and Water Closets.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sections 13-100 and 13-105 except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-107--13-113. Reserved.

Division 7 - Fire Safety

Sec. 13-114. Compliance.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein that does not comply with the applicable provisions of the City's Fire Prevention Code and the following additional standards for safety. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-115. Flammable Liquid Prohibited.

No residence building or rooming unit shall be located within a building containing a business that handles, dispenses or stores flammable liquids with a flash point of 110 degrees Fahrenheit (43 degrees Celsius) as defined by the National Board of Fire Underwriters. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-116. Exits.

Compliance with the exit provisions of the Building Code is required. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-117. Cooking and Heating Equipment.

All cooking and heating equipment, components, accessories, and devices shall be maintained free from leaks and obstructions and kept functioning properly to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the regulations of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-118--13-124. Reserved.

Division 8 - Occupant's Responsibilities

Sec. 13-125. Cleanliness.

Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises which the occupant occupies, controls, or uses in a clean and sanitary condition. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-126. Disposal of Rubbish.

Every occupant of a dwelling unit shall dispose of all rubbish in a clean and sanitary manner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-127. Use and Operation of Supplied Plumbing Fixtures.

Every occupant of a dwelling unit shall keep the supplied plumbing fixtures clean and sanitary and shall be responsible for the exercise of reasonable care in the proper use and operation of the fixtures. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-128. Plumbing Fixtures Furnished by Occupant.

Every plumbing fixture furnished by the occupant shall be properly installed and maintained in good working condition. The fixtures shall be clean, sanitary, and free from defects, leaks, or obstructions. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-129--13-135. Reserved.

Division 9 - Rooming Houses

Sec. 13-136. Compliance.

No person shall operate a rooming house or shall occupy or let to another for occupancy a rooming unit in a rooming house except in compliance with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-137. Water Closet, Hand Lavatory, and Bath Facilities.

(1) At least one water closet, lavatory basin, and bathtub or shower shall be supplied for each four rooms within a rooming house wherever these facilities are shared.

(2) The facilities shall be properly connected to an approved water and sewer system and shall be maintained in good working condition.

(3) Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(4) All shared facilities shall be located within the residence building being served and shall be directly accessible by all persons sharing the facilities from a common hallway or passageway. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-138. Bathroom Enclosures.

Every water closet, flush urinal, lavatory basin, and bathtub or shower required by Section 13-137 shall be located within the rooming house in a room or area that:

(1) Affords privacy and is separate from the habitable rooms.

(2) Is accessible from a common hall without going outside the rooming house. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-139. Minimum Floor Area for Sleeping Purposes.

Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor area. Every room occupied for sleeping purposes by two or more persons shall contain at least fifty square feet of floor area for each occupant. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-140. Bed Linens and Towels.

The operator of a rooming house shall change the supplied bed linens and towels at least once a week and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-141. Window Coverings.

The window of each rooming unit shall be supplied with shades, drawn drapes, or other devices or materials that will afford privacy to the occupant of the rooming unit when properly used. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-142. Responsibilities of Operator.

The operator of a rooming house shall be responsible for:

- (1) The sanitary maintenance of all walls, floors, and ceilings and every other part of the rooming house.
- (2) The sanitary maintenance of the entire premises when the entire structure or building is leased or occupied by the operator. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-143--13-153. Reserved.

Article 3. Licenses

Sec. 13-154. Required.

No person shall allow to be occupied or let to another for occupancy units in a multiple dwelling for which a license has not been granted by the City. There shall be two types of licenses: regular and provisional. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-155. Application.

(1) Before any license shall be issued or renewed, the owner shall complete an application. The following persons shall be authorized to sign and submit the application:

- A. If the owner is a natural person, by the owner thereof.
- B. If the owner is a corporation, by an officer thereof.
- C. If the owner is a partnership, by a partner thereof.

(2) The registration statement shall be made on forms prescribed by the City and shall include:

- A. The name and address of the owner of the multiple dwellings.
- B. The name and address of any operator or agent actively managing the multiple dwelling.
- C. If the operator or agent is a business entity, the application shall include the names, telephone numbers, and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
- C. If the registrant is a partnership, the name and address of all partners.
- D. If the registrant is corporation, the name and address of all officers.
- E. If the multiple dwelling is being sold on a contract for deed, the name and address of the vendees.
- F. The legal address of the multiple dwelling.
- G. The number of toilet and bath facilities shared by the occupants of two or more units.
- H. The number and kinds of units within the multiple dwelling.
- I. The height of the multiple dwelling in stories.
- J. The construction of the exterior of the building.
- K. The total floor area of the building.
- L. The total area provided on premises for off-street parking.
- M. An application for a provisional license shall include information as required by Section 13-161. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-156. License Fees.

The license fees shall be as provided in this Section. The license fees shall be established by ordinance.

(1) A license fee shall be collected for each unit in a multiple dwelling.

(2) If an application is made less than 45 days before the beginning date of the license period applied for then the fee shall be accompanied by an additional amount equal to 100 percent of such license fee. The additional amount shall be a penalty for a late application. (Code 1966; Ord. No. 301, 6-13-72; Ord. No. 362, 9-9-75; Ord. No. 404, 11-22-77; Ord. No. 469, 12-26-79; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01, Ord. 751, 11-13-2007)

Sec. 13-157. License Issuance.

The City shall issue a license if the building and the application are found to be in compliance with the provisions of this Chapter provided that all real estate taxes and municipal utility bills for the premises have been paid. Real estate taxes will not be considered to be due and unpaid for purposes of this Section while a proper and timely appeal of such taxes is pending and is diligently pursued to completion by the landowner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-158. Posting of License.

The licensee shall post the receipted copy of the license in a conspicuous public corridor or hallway or lobby of the licensed multiple dwelling. The license shall be displayed in a frame with a glass covering. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-159. Renewal of License.

The license period shall commence either on March 1 or September 1. A regular license will be issued for a period of one year. A provisional license shall be issued for a period of six months. (Code 1966; Ord. No. 301, 6-13-72; Ord. No. 513, 11-22-83; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-160. Transfer of License.

A license is transferable for a fee to any person who has actually acquired legal ownership of licensed premises. The transfer shall be effective for the unexpired portion of the license period provided that the transfer application is filed with the City prior to the actual change of legal ownership and the transferee is not disqualified from holding the license due to prior revocation or suspension of a license. The license shall terminate upon failure to apply for a transfer prior to change of legal ownership. The fee for the transfer shall be established by ordinance. (Code 1966; Ord. No. 301, 6-13-72; Ord. No. 513, 11-22-83; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01, Ord. 751, 11-13-2007)

Sec. 13-161. Provisional License.

(1) ***Police or Fire Calls.*** Licensed multiple dwellings that have generated an average of over .5 police or fire calls per dwelling unit in a preceding six month period as specified in this Section shall be eligible only for a provisional license.

- A. Police and fire calls that are counted in determining whether a provisional license is required include the following types of calls or events:
 - 1. Calls or events listed in Section 13-163.
 - 2. Calls or events categorized as part one crimes in the Uniform Crime Reporting System, including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

3. Calls or events categorized by the Public Safety Department: miscellaneous juvenile status crimes, liquor offenses or curfew violations; disturbing the peace or harassing communications; property damage; criminal damage to property or trespass; domestic incidents; fire alarms; public disturbance or disorderly conduct; loud party or noise complaints; disorderly juveniles; assault in the fifth degree or non-domestic related assaults. The Director of Public Safety shall maintain for public inspection a description of the coding system and a list of the codes and crimes included within each of these categories of calls or events.

4. The Director of Public Safety may determine that multiple incidents shall be counted as a single call in appropriate cases.

B. Calls will not be counted for purposes of determining whether a provisional license is required where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subdivision 2(b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subdivision 2(a).

C. The period of time used to determine whether a provisional license is required is the six month period ending two months before the commencement of the license term, either December 31 or June 30.

D. The City will provide by mail to each licensee a monthly report of calls described in Section 13-161, Subsection (1)A.

(2) **Resident Manager.** Provisional licenses shall only be issued for facilities that have a manager or managers certified in accordance with Section 13-162. Managers must be resident managers or on site managers who are on site or available 24 hours a day.

(3) **Mitigation Plan.** The applicant for a provisional license must submit a mitigation plan for the license period for review to the City Council. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls described in Section 13-161, Subsection (1)A to a level that qualifies for a regular license. The mitigation plan may include such steps as: changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, and security personnel.

(4) **Decision of City Council.** The application and a proposed mitigation plan will be presented to the City Council together with a disposition recommendation by the City Manager. After giving the applicant an opportunity to be heard and present evidence, the City Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the City Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing.

(5) **Monthly Reports.** The licensee shall comply with the approved mitigation plan. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City a written report describing all steps taken in furtherance of the mitigation plan during the preceding month. (Ord. No. 679, 2-13-01)

Sec. 13-162. Manager Certification.

- (1) To qualify for a provisional license, the applicant must provide and maintain at least one resident manager or on site managers who are on site or available 24 hours a day and who are certified by this Section.
- (2) A person may be certified as a resident or on site manager after successfully completing the training program provided or specified by the City.
- (3) A license may be granted to an applicant who does not currently have a certified resident or on site manager, and a license may continue in effect on the departure of a certified resident manager, on the condition that a resident manager or on site manager shall register for and complete the training program as promptly as is reasonably possible. (Ord. No.679, 2-13-01)

Sec. 13-163. Conduct on Licensed Premises.

- (1) ***Disorderly Premises.*** The licensee shall be responsible for ensuring that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this Section, a premises is disorderly at which any of the following activities occur:
 - A. Violation of laws relating to the possession of controlled substances as defined in Minnesota Statutes Section 152.01, Subdivision 4.
 - B. Violation of Section 18-3 (Disorderly Conduct) of the City Code or Minnesota Statutes, Section 609.72.
 - C. The unlawful sale of intoxicating liquor or 3.2 percent malt liquor.
 - D. Violation of laws relating to gambling.
 - E. Violation of laws relating to prostitution as defined in Minnesota Statutes, Section 609.321, Subdivision 9, or acts relating to prostitution.
 - F. Unlawful use or possession of a firearm or weapon in violation of Chapter 18, Article 2 of the city Code or Minnesota Statutes, Section 609.66, Subdivision 1a, 609.67 or 624.713.
 - G. Violation of Section 18-2 of the City Code (Threatening a Public Officer).
 - H. Violation of Minnesota Statutes, Section 609.705 (Unlawful Assembly).
 - I. Violation of Minnesota Statutes, Section 609.71 (Riot).
 - I. Violation of Minnesota Statutes, Section 609.713 (Terrorist Threat).
 - K. Violation of Minnesota Statutes, Section 609.715 (Presence at Unlawful Assembly).
- (2) ***Enforcement Authority.*** The City Manager shall be responsible for enforcement and administration of this Chapter. Authority to take any action authorized by this Chapter may be delegated to the City Manager's authorized designee.
- (3) ***Notice of Violation.*** Upon determination by the City that a licensed premises was used in a disorderly manner notice of the violation shall be given to the licensee. The notice shall include a directive for the licensee to take steps to prevent further violations. The disorderly manner shall be as defined in Section 13-163, Subsection (I).

(4) **Second Instance.** If a second instance of disorderly use of the licensed premises occurs within three months of an incident for which a notice was provided as specified in Section 13-163, Subdivision (3), the City shall notify the licensee of the violation and shall also require the licensee to submit a written report of the actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within five days of receipt of the notice of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three months.

(5) **Third Instance.** If a third instance of disorderly use of the licensed premises occurs within three months after any two previous instances of disorderly use for which notices were provided as specified in Section 13-163, Subdivision (3), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this Subsection shall be initiated by the City by giving written notice to the licensee of a hearing before the City Council to consider such denial, revocation, suspension or nonrenewal. The written notice shall specify all violations and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten days and no more than thirty days after giving the notice.

(6) **Action of the City Council.** Following the hearing, the City Council may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this Section.

(7) **Instances Defined.** For purposes of this Section, second and third instances of disorderly use shall be those which:

- A. Occur at the same rental unit; or
- B. Involve tenants at the same rental unit; or
- C. Involve guests or invitees at the same rental unit; or
- D. Involve guests or invitees of the same tenant; or
- E. Involve the same tenant.

(8) **Eviction Proceedings.** No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

(9) **Evidence of Disorderly Manner.** A determination that the licensed premises have been used in a disorderly manner as described in Section 13-163, Subsection (I) shall be made upon substantial evidence to support this determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.

(10) **Serving of Notice.** All notices given by the City under this Section shall be personally served on the licensee, sent by registered mail to the licensee's last known address, or, if neither method of service effects notice, by posting the notice in a conspicuous place on the licensed premises .

(11) **Council Action Not Exclusive.** Enforcement actions provided in this Section shall not be exclusive. The City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the City Code or State law. (Ord. No.679, 2-13-01)

Sec. 13-164. Suspension, Revocation, Denial and Non-Renewal of a License.

(1) **Reason for Action.** The Council may revoke, suspend, deny or decline to renew any license issued under this Chapter upon any of the following grounds :

A. False statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.

B. Failure to pay any application, penalty, reinspection, or reinstatement fee required by this Chapter and ordinance.

C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.

D. Failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.

E. Any other violation of this Chapter.

(2) **Applicable Sections.** Revocation, suspension, and non-renewal may be brought under either this Section or Section 13-163, or both.

(3) **Regular License.** A regular license shall be revoked, if at mid term, or not renewed, if at the end of a term, upon a finding that the premises are only eligible for a provisional license as provided in Section 13-161.

(4) **Written Notice.** A decision to revoke, suspend, deny or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.

(5) **Action of City Council.** The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings. The City Council may suspend or revoke a license or not renew a license for part or all of a facility .

(6) **Reinstatement of License.** 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 written decision of the City Council, not exceeding one year .Such new applications must be accompanied by a reinstatement fee, as specified by ordinance, in addition to all other fees required by this Chapter.

(7) **No New Rentals.** A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied. Revocation, suspension or non-renewal of a license shall not excuse the owner from compliance with all terms of this Chapter for as long as any units in the facility are occupied.

(8) ***Failure to Comply.*** Failure to comply with all terms of this Chapter during the term of revocation, suspension, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of 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 or in Section 13-164, Subdivision (6). (Ord. No.679, 2-13-01, Ord. 751, 11-13-2007)

Sec. 13-165. No Retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This Section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies. (Ord. No. 679, 2-13-01)

Sec. 13-166. Recycling Services Required.

Owners of multiple dwellings licensed under this Article must provide recycling collection services to all residents of the dwelling. Such collection services must include acceptance of all materials designated as recyclable under Code Section 11-1, paragraph (12). Licensees must ensure that all recyclables are delivered to a recycling facility for the purpose of recycling. Licensees must provide information regarding recycling collection services as required by the City sanitarian. (Ord No. 715, 3-9-04)

Sec. 13-167—169 Reserved

Article 4. Security Devices

Division 1 - Key Boxes

Sec. 13-170. Purpose.

In cases of fire, medical or public safety emergencies, it is vital that police officers be able to gain access to locked areas of multiple dwelling buildings whether or not a caretaker is present. In an emergency response situation there is insufficient time to locate a person serving as a key holder. Use of key boxes will minimize the damage to doors and windows and provide a more efficient means of emergency access to locked buildings by public safety personnel, thereby enhancing the safety and security of the building's occupants.

Sec. 13-171. Requirements.

Where access to a multiple dwelling building is restricted because of secured entrances, the Department of Public Safety is authorized to require a key box to be properly installed and maintained in an accessible location as close as possible to the main entrance door. The key box must not be located at a height over six (6) feet above the finished grade but high enough to prevent water and snow from entering or blocking it. The key box installation must be approved by the Department of Public Safety. The key box shall be of an approved type and shall contain keys to gain access as required by the Director of Public Safety.

Sec. 13-172. Effective Date and Enforcement

The provisions of this Division shall be effective thirty (30) days after publication for all new construction. All existing buildings within the City to which this Division applies must be in compliance with its terms within six (6) months of its effective date.
(Ord. No. 710, 12-8-03)

Sec. 13-173—179 Reserved (Ord. No. 878, 10-27-20)

**Article 5. Access to Multi-Unit Housing Structures by
United States Census Bureau Employees.**

Sec 13-180. Declaration; Purpose.

- (1) The United States Constitution directs a decennial census count of all persons living in the United States.
- (2) Complete, accurate census data is of critical importance to all residents of New Brighton for equal political representation, fair distribution of federal and state funding, and sound planning and investment in infrastructure, real estate, business development, and public policy and programming.
- (3) During the decennial census, the United States Census Bureau conducts Non-Response Follow-up Operations (NRFU), when employees of the United States Census Bureau visit households that have not yet submitted a census form.
- (4) Renters and others who live in multi-unit housing structures have historically been at higher risk of being undercounted in the decennial census, with the number of renter households in an area being the most influential variable affecting an area's census self-response rate; in other words, the more renters in an area, the lower the self-response rate of that area.
- (5) The risk of an undercount is compounded in areas with high concentrations of communities that have been consistently undercounted in the past and who are more likely to be renters, including low-income households, communities of color, Native American/American Indian communities, immigrants and refugees, and young people.
- (6) Multi-unit housing structures can be difficult for Census Bureau employees to enter due to security barriers.
- (7) It is critical that Census Bureau employees have access to multi-unit housing structures during the decennial census, so they can reach households that have not yet participated.
- (8) 13 U.S. Code § 223 authorizes Census Bureau employees to access "any hotel, apartment house, boarding or lodging house, tenement, or other building".
- (9) The City of New Brighton finds and determines that it is in the best interest of the City and its inhabitants to provide additional enforcement to ensure Census Bureau employees have access to multi-unit housing within the City. (Ord. No. 872, 2-11-20)

Sec 13-181. Census Bureau Access.

- (1) It is unlawful for a person, either directly or indirectly, to deny access to an apartment

building, dormitory, nursing home, manufactured home park, other multi-unit structure used as a residence, or an area in which one or more single-family dwellings are located on private roadways, to employees of the United States Census Bureau who display current, valid Census Bureau credentials and who are engaged in official census counting operations during the Census Bureau's standard operational hours of 9:00 a.m. to 9:00 p.m. (local time) during the decennial census.

(2) Chapter 13, Article 5, only applies to sworn decennial census workers and no other governmental agency at the federal, state, or city level. (Ord. No. 872, 2-11-20)

Sec 13-182. Census Materials.

Census Bureau employees granted access must be permitted to leave census materials in an orderly manner for residents at their doors, except that the manager of a nursing home may direct that the materials be left at a central location within the facility. (Ord. No. 872, 2-11-20)

Sec 13-183. Exceptions

This Article does not prohibit:

- (1) Denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;
- (2) Denial of permission to visit certain persons for valid health reasons, in the case of a nursing home or a Registered Housing with Services Establishment providing assisted-living services meeting the requirements of Minnesota Statutes Section 144G.03, subdivision 2;
- (3) Limiting visits to a reasonable number of census employees;
- (4) Requiring a prior appointment or notification to gain access to the structure; or
- (5) Denial of admittance to or expulsion of an individual employee from a multi-unit housing structure for good cause. (Ord. No. 872, 2-11-20)

Sec. 13-184—199 Reserved (Ord. No. 878, 10-27-20)

Article 6. Tenant Notification and Notice of Potential Sale

Sec. 13-200. Purpose.

The purpose of this Article is to provide housing stability, protection, and notification to tenants in rental housing during an ownership transition. This Article requires notice to both tenants and the City whenever title to property containing three or more rental housing units is conveyed or otherwise transferred. Under this Article, an owner of a housing building is required to pay resident relocation benefits if the owner takes certain actions during a required three-month tenant notification period, and the resident of the building needs to move as a result of the owner's action(s). In addition, this Article requires that when rental properties affordable to lower income households become available for sale, the City must receive notice of the potential sale so that it can make such information available to parties interested in purchasing the property with a goal of keeping rents affordable for lower income households. (Ord. No. 878, 10-27-20)

Sec. 13-205. Definitions.

The following definitions in this Section apply in Article 5. Defined terms remain defined terms, whether or not capitalized.

(1) Affordable Housing Building. A multiple-family rental housing building having five or more dwelling units where at least 20 percent of the units rent for an amount that is affordable. Affordable shall mean no more than 30 percent of income to households at or below 80 percent of area median income, as most recently determined by the United States Department of Housing and Urban Development for Low Income Housing Tax Credit (LIHTC) purposes, as adjusted for household size and number of bedrooms.

(2) Available for Sale. The earliest implementation of any of the following actions: negotiating to enter into a purchase agreement that includes an affordable housing building, advertising the sale of an affordable housing building, entering into a listing agreement to sell an affordable housing building, or posting a sign that an affordable housing building is for sale.

(3) Cause. The tenant or a member of the tenant's household materially violated a term of the lease or rental agreement, or violated an applicable federal, state, or local law or regulation.

(4) Housing Building. A building with three or more rental units.

(5) Housing Unit. A rental unit within a housing building.

(6) Material Change. A change in the terms of a lease that significantly limits or restricts the tenants' use and enjoyment of a housing unit or the housing building.

(7) Tenant Notification Period. The period that commences on the date when a written notice of the transfer of ownership of a housing building is sent to each housing unit tenant pursuant to Section 13-215 and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant notification period be less than 90 days.

(8) Transfer of Ownership. Any conveyance of title to an affordable housing building, whether legal or equitable, voluntary or involuntary, resulting in a transfer of control of the building, effective as of the

earlier of the date of delivery of the instrument of conveyance or the date the new owner takes possession. (Ord. No. 878, 10-27-20)

Sec. 13-210. Notice to the City of Proposed Sale.

(1) **Notice to the City.** Any owner or representative of the owner who intends to make available for sale any affordable housing building shall notify the Director of the Department of Community Assets and Development of the proposed sale by providing the notice required in this Section. The notice shall be on a form prescribed by the City stating the owner's intent to make available for sale the affordable housing building and which may include, at the City's sole discretion, some or all of the following information:

(A) Owner's name, phone number, and mailing address;

(B) Address of the affordable housing building that will be made available for sale;

(C) Total number of dwelling units in the building; and

(D) Number and type (e.g., efficiency, one bedroom, two bedrooms, etc.) of each of the affordable housing dwelling units in the building and the contract rent for every dwelling unit in the building.

(2) **Manner and Timing of Notice.** The notice shall be mailed or hand delivered to the Director of the Department of Community Assets and Development no later than 90 days prior to the affordable housing building being made available for sale. The notice shall also be delivered directly to all affected tenants and include the following language requirement: *"This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord."* This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. This notice shall be delivered to all affected tenants no later than 90 days prior to the affordable housing building being made available for sale. Upon request by the tenant, the owner must provide a written translation of the notice into the tenant's preferred language if the language is listed above.

(3) **Exclusions.** This notice of potential sale requirement shall not apply to the sale or transfer of title of an affordable housing building already subject to federal, state, or local rent or income restrictions that continue to remain in effect after the sale or transfer; or with respect to the sale or transfer of a residential rental building in which the buyer contracts with the City to maintain the property in compliance with the definition of an "affordable housing building" as defined in this Article, for a period of no less than 10 years. (Ord. No. 878, 10-27-20)

Sec. 13-215. Post Sale Notice.

(1) **Notice to Tenants.** Whenever title to property containing a housing building is conveyed or otherwise transferred, as a condition of receipt of a rental license, the new owner must within 30 days after the real estate closing, deliver written notice to each housing unit tenant that the housing building is under new ownership. The notice must include, at a minimum, the following information:

(A) The name, mailing address, and telephone number of the new owner.

(B) The following statement: "New Brighton City Code Section 13-215 provides for a three month tenant notification period to housing unit tenants when new ownership takes control of a property. A

tenant may be entitled to relocation assistance from the new owner if, during the three month tenant notification period, the new owner:

1. Terminates or does not renew the tenant's rental agreement without cause;
2. Raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
3. Requires existing tenants to be re-screened or comply with new screening criteria, and the owner or tenant terminates the tenant's lease based on that re-screening or failure to meet those new screening criteria;
4. Imposes a material change in the terms of the lease, and the owner or tenant terminates or does not renew the tenant's lease because of those material changes; or
5. Engages in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety."

(C) Whether there will be any rent increase within the three month tenant notification period and, if so, the amount of the rent increase and the date the rent increase will take effect.

(D) Whether the new owner will require existing housing unit tenants to be re-screened or comply with new screening criteria during the three month tenant notification period and, if so, a copy of the applicable screening criteria.

(E) Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the three month tenant notification period and, if so, the language of the material change and explanation of its effect.

(F) Whether the new owner will terminate or not renew rental agreements without cause during the three month tenant notification period and, if so, notice to the affected housing unit tenants whose rental agreements will terminate and the date the rental agreements will terminate.

(G) Whether the new owner intends to increase rent, require existing tenants to be rescreened to determine compliance with existing or modified residency screening criteria, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease without cause within 30 days immediately following the tenant notification period.

(H) Whether the new owner intends to engage in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety.

(I) The date that the tenant notification period will expire.

(2) **Language requirement.** Each notice required by this Section shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. Upon written request by a tenant that identifies the tenant's native language, the owner must provide a written translation of the notice in that language.

(3) **Notice to the City.** The new owner must deliver a copy of the notice required by this Section to

the City of New Brighton Community Assets and Development Department at the same time that the notice is delivered to tenants.

(4) Required tenant notification period. The new owner of a housing building must not terminate or not renew a tenant's rental agreement without cause, raise rent, re-screen existing tenants, or impose a material change to the terms of the lease during the tenant notification period without providing the notices required by this Section. (Ord. No. 878, 10-27-20)

Sec. 13-220 Relocation Assistance.

(1) When Required. A new owner of a housing building must pay relocation assistance to housing unit tenants if, during the three month tenant notification period, the new owner:

- (A) terminates or does not renew the tenant's rental agreement without cause;
- (B) raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
- (C) requires existing tenants to be re-screened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or
- (D) imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

(2) Amount. Relocation assistance shall be in an amount equal to three months of the monthly rent pursuant to the current lease.

(3) When Paid. The new owner shall, when required, pay relocation assistance to the tenant of a housing unit within 30 days after receiving tenant's written notice of termination of the lease or within 30 days after the owner notifies the tenant that the lease will be terminated or not renewed. (Ord. No. 878, 10-27-20)

Sec. 13-225 Tenant Complaints.

A tenant of a housing unit who believes the new owner has not provided the tenant the notifications required under this Article may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Article to assist the City in determining whether to impose an administrative penalty provided for in this Section. The City is not required to take any particular action in response to a notice of violation, and any enforcement action it does take shall be on behalf of the City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law. (Ord. No. 878, 10-27-20)

Sec. 13-230 Penalty.

(1) Violations. A violation of this Article is an administrative offense that may be subject to an administrative citation and civil penalties as provided in Article 5 of the City Code. Notwithstanding any provision of Article 5 of the City Code, the penalty for a violation of Sections 13-215 or 13-220 shall be the sum of the applicable amount of relocation assistance plus \$500.

(2) Number of Offenses. A violation of this Article shall constitute a separate offense for each dwelling unit affected.

(3) ***Transfer of Funds.*** Within 30 days after a person pays the penalty in Section 13-230 (1) to the City, the City shall pay to the displaced tenant of the housing unit in which the violation occurred an amount equal to the relocation assistance amount specified in Section 13-220 (2).

(4) ***Additional Redress.*** In addition, any tenant aggrieved by a landlord's noncompliance with this Chapter may seek redress in any court of competent jurisdiction to the extent permitted by law. (Ord. No. 878, 10-27-20)

Sec. 13-231—249 Reserved (Ord. No. 878, 10-27-20)