Ordinance No. 430, Third Series

An Ordinance Amending Chapter 4, Construction and Housing Regulations and Permits, Sections 4.30 (Housing Maintenance Code) 4.31 (Rental Dwelling Licensing Code), and 4.99 (Violation a Misdemeanor)

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

SECTION 1: Section 4.30 subd. 4 of the City Code is hereby amended by deleting the overstruck-language and inserting the underlined language:

Subd. 4. APPLICABILITY: A building and its premises used in whole or in part as a residence, or as an accessory structure thereof, for a single family or person, and every building used in whole or in part as a residence for two or more persons or families living in separate units, except rest homes, convalescent homes, nursing homes, hotels, and motels, must conform to the requirements of this code, irrespective of when such building may have been or may be constructed, altered, or repaired. Every rental dwelling and its premises shall be inspected on a regular basis as a requirement for licensing and inspections of rental dwellings and their premises are governed by Section 4.31. Enforcement action, under the HMC, against owner occupied dwellings is limited to violations of subdivisions 6 and 7. This limit does not apply to rental dwellings, rented portions of dwellings, or their common areas, or areas that are under the exclusive control of a rental dwelling owner, such as mechanical rooms, storage rooms, or vacant rental units including utility areas. These rental dwellings, portions of dwellings, and common areas, including utility areas and areas under the exclusive control of a rental dwelling owner, and vacant rental units, shall comply with this section in its entirety and shall be licensed and inspected for compliance with the HMC. Condominium and cooperative housing public areas shall be subject to inspection and licensing the requirements applicable to rental dwellings if one or more dwellings in such a building is a rental dwelling. Except as otherwise provided in this subdivision, the HMC establishes minimum standards for erected dwelling units, accessory structures, and related premises.

SECTION 2: Section 4.30 subd. 5, (28) of the City Code is hereby amended by deleting the overstruck-language and inserting the underlined language:

28. "Nuisance" means:

A public nuisance known as such under common law or in equity or recognized by Minnesota statutes or the City Code.

a. (b)--A public nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts,
basements, or excavations; abandoned refrigerators in a hazardous condition; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, fences or debris which may become a hazard for inquisitive minors;

b. (e)—Overcrowding a room or dwelling with occupants;

c. (d)—Insufficient ventilation or illumination;

d. (e)—Inadequate or unsanitary sewage or plumbing facilities;

e. (f)—Uncleanliness;

f. A condition that poses an imminent threat to human health or safety.

(g) Any situation or activity which renders air, food, or drink unwholesome or detrimental to the health of human beings.

(h) Any other activity or situation that is dangerous to human life or is detrimental to health.

g. (i)—Overcrowding a room or portion of dwelling with long-term storage so as to prevent upkeep, maintenance or regular housekeeping. A room may be considered overcrowded when storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides potential pest harborage.

SECTION 3: Section 4.30 subd. 10 (2) of the City Code is hereby amended by deleting the overstruck-language and inserting the underlined language:

2. Toilet facilities. Within every Dwelling Unit there must be a non-habitable room with an entrance door which affords privacy to a person within said room and which room is equipped with a flush water closet and lavatory basin in good working condition, and solidly mounted. For purposes of this standard, an entrance door will afford privacy if, and only if, it can be locked and if any glass in the door is not transparent. The flush water closet and lavatory basin shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system.

SECTION 4: Section 4.31 subs. 1 and 2 of the City Code are hereby amended by deleting the overstruck-language and inserting the underlined language:
Subd. 1. INSPECTION AND LICENSING OF RENTAL DWELLINGS.

1. Rental dwellings license. No person may operate, let, or cause to be let, a rental Dwelling Unit without first having obtained an operating license or temporary permit to do so from the city as hereinafter provided. Upon receipt of a properly executed application for licensing, the enforcement officer shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the Housing Maintenance Code ("HMC"), other City ordinances, and the laws of the State.

a. The owner of a rental Dwelling Unit must obtain a temporary permit if they have not received an operating license. There is no fee and no inspection is necessary for a temporary permit. A temporary permit issued before publication of this ordinance is valid until an operating license is obtained, or three years after its issuance, whichever is earlier. A temporary permit issued after publication of this ordinance expires after 180 days (subject to the enforcement officer’s authority to extend the deadline). In no case is a temporary permit valid for more than three years.

b. Each operating license shall be valid for a period of three years and shall expire at the end of the third year.

c. A license renewal application shall be filed at least 60 days prior to license expiration date, unless the City has already renewed that license based upon a scheduled inspection conducted pursuant to section 3(a) below.

No operating license may be issued or renewed unless the rental Dwelling Unit and its premises conform to the aforementioned ordinances and law. Each such operating license shall be valid for a period of three years and shall expire at the end of the third year. A license renewal application shall be filed at least 60 days prior to license expiration date. Every rental Dwelling Unit will be reinspected after a renewal application—If a structure or rental Dwelling Unit is not in compliance, a follow-up inspection may be ordered to verify that conditions and any corrections conform to the provisions of this section or any other applicable ordinance.

2. Permit and License Exemption.

a. The owner of a rental Dwelling Unit is exempted from the permitting and licensing requirements of this section if the renter of the Dwelling Unit is related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or
step-grandchild and the owner files an affidavit with the City stating that the renter is one of these relations. The affidavit required in this paragraph must also state the address of the dwelling and must be renewed at least every three years.

b. The owner must notify the City in writing within 30 days of this exemption being lost because the renter is not related to the owner as one of the above-referenced relations.

3. Rental Dwelling inspections. No operating license may be issued or renewed unless the City determines, following an inspection conducted pursuant to this section, that the Rental Dwelling Unit and its premises conform to the Housing Maintenance Code ("HMC"). As more specifically provided below, the enforcement officer and his or her agents may cause inspections, follow-up inspections, and re-inspections on rental Dwelling Units on all classes of property within the City on a scheduled basis, and on rental Dwelling Units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable subdivision of the HMC exists, has been, or is being, committed.

a. The city enforcement officer and his or her agents are authorized to contact owners, tenants and managers of rental dwellings to schedule inspections of rental dwellings at reasonable times. They are also authorized to conduct those inspections once scheduled. These scheduled inspections will be conducted to determine whether the Unit and its premises conform to the HMC so as to inform the City's decision of whether to issue an operating license. The authority to schedule and to conduct these inspections is available even if the owner or owner's agent holds a temporary permit, and without regard to whether the owner or owner's agent has filed an application for an operating license.

b. In addition, upon receipt of a properly executed application for an operating license, the enforcement officer shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the HMC. Inspections performed pursuant to the authority in subsection (a) or subsection (b) are hereinafter described as "Licensing Inspections."

c. In addition, the city enforcement officer and his or her agents are authorized to conduct inspections on rental Dwelling Units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable subdivision of the HMC exists, has been, or is being committed. A complaint or complaints from a tenant of a rental Dwelling Unit shall be an adequate basis for a reinspection of a rental Dwelling Unit.
d. To increase the awareness by owners of the likely timing of requested inspections and to conserve public resources, the city enforcement officer may schedule and conduct inspections pursuant to subsection (a) according to the area of the City in which the unit is located, dividing the City into zones and endeavoring to perform inspections pursuant to subsection (a) in one zone before beginning them in a different zone.

e. If a structure or rental Dwelling Unit is not in compliance, one or more follow-up inspections or re-inspections may be conducted to verify that conditions and any corrections conform to the provisions of the HMC.

f. When the basis for the inspection pursuant to this section is information observed or obtained during a Licensing Inspection, such re-inspection or follow-up inspection shall be conducted on a scheduled basis.

g. Owners of rental Dwelling Units shall report to the City the full names, telephone numbers and addresses of the principal tenant of all rental Dwelling Units under their ownership or control, and update such information as needed to ensure that it is accurate and current.

h. When scheduling Licensing Inspections pursuant to this section, the city enforcement officer or his or her agents will seek the consent of the owner of the property (if not already received) to inspect those areas outside of rental Dwelling Units that are not accessible to the general public (including any internal rooms that are inaccessible to the public, such as storage or mechanical rooms) and to unrented Dwelling Units, and the consent of the primary tenant of the rental Dwelling unit (if not already received) to inspect that Unit. If the property owner demonstrates to the satisfaction of the city enforcement officer or his or her agents that one or more tenants have consented in writing to the inspection of their units, individual contacts by the City with those tenants may be deemed unnecessary.

i. If the City is unsuccessful in securing consent for an inspection pursuant to this section, the City shall seek permission, from a judicial officer through an administrative warrant, for its enforcement officer or his or her agents to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant.

j. The scope of a Licensing Inspection shall be limited to what is necessary to determine in accordance with this subdivision whether the Unit and its premises conform to the HMC. This shall not preclude
the enforcement officer from relying upon observations from a Licensing Inspection in seeking one or more of the remedies provided in Section 4.31 Subd. 2.

k. A Licensing Inspection must be scheduled during ordinary business hours (or as otherwise arranged with the owner or tenant). Owners and their agents, and tenants, may at their option request that Licensing Inspections above take place only when they are present, so long as the request identifies at least one date or time within the two weeks following the date of the request when the requesting party agrees to be present.

4. Inspection Not Required. Inspection for the issuance or renewal of a license may be waived by the City if the owner of a dwelling unit proves that within the previous 12 months the dwelling unit passed an inspection required by the City, State, or Federal regulations that is at least as stringent as the inspection required under this section. The City has sole discretion to determine when an inspection program is at least as stringent as the inspection required under this section. Inspections conducted as the result of a complaint made to the City may not be waived under this provision.

5. Application contents. License application or renewal must be made by the owner of rental Dwelling Units. Owners of one or more rental Dwelling Units who have not yet received a temporary permit or operating license are responsible for applying with the City for either a temporary permit or an operating license. Before any portion of a property is used as a rental Dwelling Unit, the owner must first secure either a temporary permit or an operating license. Application forms may be acquired from and subsequently filed with the enforcement officer. The With either application, the applicant-owner must supply:

a. Name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;

b. Name, address, and telephone number of designated resident agent, if any;

c. Name, address, and telephone number of vendor, if the dwelling is being sold through a contract for deed;

d. Legal address of the dwelling;

e. Number of dwelling units within the dwelling;

f. At least one emergency telephone number.
the names, telephone numbers and addresses of principal tenants, if any, are required in section 3 above.

8-6. Following Acquisition. A new owner must register a building newly acquired rental residential property within ten days after acquiring it, by applying for either a temporary license or an operating license. The enforcement officer must be notified of any address change within ten days.

7. Administrative Charge. Temporary Permit. Within 120 days of the publication of this ordinance, the owner of a rental Dwelling Unit must obtain a temporary permit. There is no fee and no inspection is necessary for a temporary permit. A temporary permit is valid until the owner is notified that a renewal application is required to obtain a license and a license is obtained or the renewal application is rejected. In no case is a temporary permit valid for more than three years. An application for a temporary permit shall include the same information required for a license. A temporary permit is nontransferable. A temporary permit must be posted in the same way a license must be posted under this ordinance. A temporary permit is subject to suspension or revocation under the same terms and conditions as a license. Failure to obtain either a temporary permit within 120 days of the publication of this ordinance as required by this section, or an operating license, may will subject the owner of a dwelling unit to an administrative service charge up to $250.00.

8. License and Inspection Fees. The license and inspection fees are charged at the time of the issuance of the respective license, and are due 60 days prior to the license expiration date; within 30 days of the date of the invoice, in the cases of newly constructed residential unlicensed rental Dwelling Units, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two years, license fees will be pro-rated monthly. A license fee paid later than ten working days after the prescribed date is subject to an additional administrative service charge double the amount of the license. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension, or transfer of ownership. License and inspection fees shall be as established by the City Council.

9. Resident agent required. An operating license may not be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota or Wisconsin counties: Goodhue, Dakota, Rice, Wabasha, Hennepin, Washington, Ramsey, Olmsted, Pierce and St. Croix) unless such owner designates in writing to the enforcement officer the name, address, and telephone number of his resident agent (one who does reside in any of the following Minnesota or Wisconsin counties: Goodhue, Dakota, Rice, Wabasha, Hennepin, Washington, Ramsey, Olmsted, Pierce and St. Croix) who is responsible for maintenance and upkeep and who is legally constituted and empowered
to receive service of notice of violation of the provisions of the city code and to receive orders or process pursuant to law. The enforcement officer must be notified in writing of any change of resident agent or agent address or telephone number change within 10 days. This requirement may be waived if, in the enforcement officer’s determination, the owner not living in one of the above specified counties is nonetheless sufficiently accessible for the purposes of the HMC.

6.—Participation in Crime-Free Multi-Housing Program. All owners of Rental Dwelling Units must participate in the Crime-Free Multi-Housing Program. Participation is a condition precedent to the renewal of an operating license under this section. For the purposes of this section, “participation” means documented attendance at participation in a city-approved educational program that addresses crime prevention and housing issues.

10. 10.—Inspection condition. A license may not be issued or renewed unless the owner of rental units agrees in the application to permit inspections pursuant to section 4.31. The owner or agent is required to accompany the enforcement officer at an inspection, follow-up inspection, or reinspection of the property at least once during the license period. It is the responsibility of the owner or agent to schedule the required rental inspection with the City of Red Wing and to obtain consent from the renter for the inspection in a reasonable period of time at least 24 hours prior to all inspections, follow-up inspections, or re-inspections.

11. Posting of permit or license. The current temporary permit or operating license of a multiple dwelling unit, or a legible copy thereof, must be conspicuously posted in the main entry way or a conspicuous exterior location of the respective multiple dwelling unit. In the case of one family and two family dwelling units, a legible copy of the current temporary permit or operating license must be given to the renter of each unit.

12. License not transferable. A temporary permit or operating license is not transferable to another person or to another rental dwelling. Every person holding a temporary permit or operating license must give notice in writing to the enforcement officer within 72 hours after having legally transferred or otherwise disposed of the legal control of any permitted or licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. The person succeeding to the ownership or control of the rental dwelling or dwellings must obtain a temporary permit or operating license in order to continue operating the rental dwelling or dwellings. An inspection is not required to obtain this temporary permit or operating license unless the rental dwelling or dwellings have not been inspected within three years of the transfer of ownership or control.
40. License suspension or revocation. A license is subject to suspension or revocation by the City Council if the licensed owner or duly authorized resident agent fails to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the City Code and the laws of the state of Minnesota. In the event that a license is suspended or revoked by the City Council, it is unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of vacant or thereafter occupied rental dwelling units until such time as a valid license may be restored by the City Council.

13. Violation. Any person that maintains a rental dwelling unit without having obtained either a valid temporary permit or a valid operating license, or permits new occupancy in violation of this subdivision, is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose an administrative fee in an amount set in the City Fee Schedule. An administrative fee may be appealed pursuant to subdivision 3 of this section. Upon the failure to appeal an administrative fee within the period established in subdivision 3 of this section, the City may post the dwelling unit as illegal for habitation. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid and (b) a rental license is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit. Each day of each violation constitutes a separate offense.

Subd. 2. INSPECTION, ADMINISTRATION AND ENFORCEMENT.

1. Administration and enforcement. The enforcement officer and his or her agents administers and enforces the provisions of the HMC. They may enforce the standards of the HMC through the licensing and inspection programs set forth in subd. 1 and, where appropriate, through the powers set forth below. and may cause inspections, follow-up inspections, and reinspections of rental Dwelling Units on all classes of property within the city on a scheduled basis, and on rental Dwelling Units or owner occupied residential units on all classes of property when reason exists to believe that a violation of the code exists, has been, or is being, committed. A documented complaint or complaints from a tenant of a rental Dwelling Unit shall be an adequate basis for a reinspection of a rental Dwelling Unit.

2. Authority. In the absence of a timely appeal under the HMC or any other applicable provision of law, the enforcement officer is the final authority in the determination of a violation under the HMC.

3. Inspection access. The enforcement officer may access any part of a dwelling unit, roaming unit, or its premises, at reasonable times to conduct
3. **License suspension or revocation.** A temporary permit or operating license is subject to suspension or revocation by the City Council if the holder fails to operate or maintain permitted or licensed rental dwellings and units therein consistent with the provisions of the City Code and the laws of the state of Minnesota. In the event that a permit or license is suspended or revoked by the City Council, or expires without renewal, it is unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental dwelling units until such time as a valid license may be obtained or restored by the City Council.

4. **Compliance order.** Whenever an enforcement officer determines that any rental dwelling unit, or the premises surrounding any of these, fails to meet the provisions of the HMC, the officer may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, or agent to correct such violations. The compliance order must:

   (a) **Be in writing;**

   (b) **Describe the location and nature of the violations of the HMC;**

   (c) **Establish a reasonable time, not to exceed 90 days, for the correction of such violations, a reasonable time may be longer than 90 days if correction is not possible because of prevailing weather conditions;**

   (d) **Include information regarding the owner’s right to appeal the order and the procedure to be followed in filing such an appeal pursuant to section 4.31, subdivision 4;**

   (e) **State that in the event the violations are not corrected within the time set in the compliance order, the license may be suspended or that the necessary work may be performed by the City at the expense of the owner and that if the owner does not pay for the expense, the cost of the work will be assessed against the property.**

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

      (1) **Served personally, or**
(2) Deposited in the U.S. Post Office addressed to the owner at his last known address with postage prepaid, or

(3) Upon failure to affect notice by personal service or by mail, posted at a conspicuous place in or about the dwelling which is affected by the notice.

5. Emergency cases. When a violation of the HMC constitutes an imminent peril to life, health, or property, the enforcement officer may, notwithstanding Subdivision 2(4) above, specify an immediate and exact time for the correction of the violation. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal. Situations which constitute an imminent peril to life, health, or property include, but are not limited to the following:

(a) Heating systems that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.

(b) Water heaters that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, rusted out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves.

(c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; expose uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded appliances in a hazardous condition. If overloading is suspected, the enforcement officer may require inspection and certification of all or part of the electrical system by a state licensed electrician.

(d) Plumbing systems that are unsanitary due to:

   (1) leaking waste systems fixtures and traps;
   (2) lack of a water closet;
   (3) lack of washing and bathing facilities;
   (4) cross connection of pure water supply with fixtures or sewage lines.

(e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads.
(f) Refuse, Garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air.

(g) Infestation of rodents, insects, and other vermin.

6. **Unfit for human habitation.**

   (a) **Declaration.** Any rental Dwelling Unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any dwelling, Dwelling Unit, or rooming unit has been declared unfit for human habitation, the enforcement officer shall order same vacated within a reasonable time and shall post a placard on same which shall: (i) be in writing, (ii) include a description of the property sufficient for identification, (iii) include a statement of a reason or reasons why it is being issued, (iv) include a description of the repairs and improvements required to bring the dwelling or multiple dwelling into compliance with the provisions of this ordinance, and (v) include a statement of time to correct the violations.

   (b) **Vacated building.** It is unlawful for such rental Dwelling Unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the enforcement officer. It is unlawful for any person to deface or remove the declaration placard from any such dwelling, dwelling unit, or rooming unit.

   (c) **Secure unfit and vacated dwellings.** The owner of any rental Dwelling Unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of six days or more, must make same safe and secure so that it is not hazardous to the health, safety, or welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this ordinance, and may be secured by the city under the provisions of Minnesota Statutes, 463.251.

   (d) **Hazardous building declaration.** In the event that a rental Dwelling Unit has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the
provisions of Minnesota Statutes.

(e) **Standards for boarded openings.** All boarding over windows, doors or other openings shall be covered with \( \frac{1}{2} \)" or thicker CDX plywood that is primed and painted to a light or matching color. The board(s) shall be the minimum number of pieces needed to cover the opening, well cut to fit and placed so there are no protruding edges. The board shall be mounted in such a manner or sealed at edges so that rainwater is shed away from interior structural components. Fasteners shall be galvanized or anodized finish and shall be placed at board corners and then no further than 12 inches apart around the board perimeter.

7. **Built-in deficiencies.** Certain specific deficiencies may be deemed to be beyond reasonable correction by the enforcement officer and therefore waived from meeting the requirements of this ordinance. Deficiencies which will be waived will be those that the enforcement officer finds to have been in conformance with all existing applicable codes at the time that the work was done and that are not causing adverse affects on the health or safety of the occupants of the rental Dwelling Unit. Other deficiencies which will be waived from meeting the requirements of this ordinance shall be limited to the following:

(a) **Ceiling heights.** Any existing habitable room with a ceiling height of between six feet six inches to seven feet shall be considered a built-in deficiency which is beyond reasonable correction.

(b) **Superficial floor area.** Any existing habitable room of less than 70 square feet shall be considered a built-in deficiency and beyond reasonable correction.

(c) **Natural light and ventilation.** Any existing habitable room with window area less than eight percent of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required window area be less than five percent of the floor area, or less than required for sleeping rooms by section 4.30, subdivision 9, paragraph 8.

(d) **Entry doors.** Any existing rental Dwelling Unit which does not have at least one doorway that is at least 36 inches wide and at least 80 inches high, providing access to and egress from said dwelling, shall be considered a built-in deficiency, provided there is at minimum, one access/egress doorway is at least 32 inches wide and at least 80 inches high.
(e) **Stairways.** An existing stairway that does not meet the standards for maximum rise and minimum run may be considered a built-in deficiency if it is not considered hazardous by the enforcement officer.

(f) **Landings.** An existing stair landing that does not meet the minimum required length and width of 3 feet may be considered a built-in deficiency if it is not considered hazardous by the enforcement officer.

8. **Follow-up Inspection.** At the end of the period allowed for the correction of a violation specified in the compliance order, the enforcement officer shall make, or attempt to make, a follow-up inspection of the premises to determine whether corrective actions have been sufficient to bring the violation(s) into compliance.

(a) If the premises are in compliance with the requirements of this section at the time of the follow-up inspection, a license may be issued in accordance with the requirements of section 4.31.

(b) If the enforcement officer determines that the violation(s) has not been corrected and the rental unit(s) has not been vacated, the enforcement officer shall suspend any existing license. The enforcement officer also may issue a citation or may file a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the ordinance section(s) violated. The city may also take action to correct violations under the provisions of section 4.31, subdivision 2, paragraph 9.

(c) After a suspension, the property owner may pay a re-inspection fee and request a re-inspection and reinstatement of the license. If the enforcement officer determines that the violation(s) has been corrected and the rental unit(s) and building comply with HMC, the license shall be reinstated. Fees for a re-inspection may apply as outlined in the City Fee Schedule.

9. **Execution of compliance orders by public authority.** Upon the failure to comply with a compliance order within the time set therein, the rental unit(s) not being vacated, and no appeal having been taken, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the enforcement officer to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429. Such action will not be taken, however, without a good faith effort on the part of the city to provide the property owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.
10. **No warranty by City.** By enacting and undertaking to enforce the HMC neither the city nor its Council, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the city. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the license.

SECTION 5: Section 4.31 subd. 5 of the City Code are hereby amended by deleting the overstruck-language and inserting the **underlined** language:

Subd. 5. **PENALTIES.** Any person who fails to comply with a compliance order within the time limits specified therein **and** any person who violates any of the provisions of this section or of the HMC by doing, any act or omitting to do, any act which constitutes a breach of any section of this section or the HMC shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or imprisonment as prescribed by state law. Each day of such failure to comply constitutes a separate offense.

SECTION 6: Section 4.99 of the City Code are hereby amended by deleting the overstruck-language and inserting the **underlined** language:

SEC. 4.99. **VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. A violation of one or more standards of Section 4.30 (the Housing Maintenance Code) does not constitute a "violation" within the meaning of this Section.

SECTION 7: Effective Date. This ordinance shall be in full force and effect fourteen (14) days after its adoption and publication in accordance with the City Charter.

Introduced the 24th day of September, 2007.

Adopted this 8th day of October, 2007.

Carol M. Duff, Council President

ATTEST:
Kathy Seymour Johnson, MCMC
City Clerk

(seal)

Presented to the Mayor at 16:35 p.m. on this 8th day of October 2007. Approved this 8th day of October 2007.

Donna Dummer, Mayor