

ORDINANCE NO. 868

AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, REPEALING EXISTING NORTHFIELD CODE CHAPTER 14, BUSINESSES, ARTICLE III, RENTAL DWELLING UNITS, IN ITS ENTIRETY, AND ADOPTING NEW ARTICLE III, RENTAL HOUSING

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:

Northfield Code Chapter 14, Businesses, Article III, Rental Dwelling Units, is hereby repealed in its entirety, and the following new Article III, Rental Housing, is hereby adopted and added to Northfield Code Chapter 14, Businesses.

Article III. Rental Housing

Division 1. Generally

Secs. 14-76 – 14-77. Repealed.

Sec. 14-78. Purpose and scope.

- (a) *Purpose.* The purpose of this article is to provide minimum standards to safeguard life, personal health and safety, and the public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the city which are used for the purpose of rental housing.

To the extent that any standards of this article apply only to rental properties in R-1 and R-2 districts of the city, such standards are based on a finding by the city council that low density residential neighborhoods in the city are comprised primarily of owner-occupied single family dwellings and are designed and intended to be quiet, orderly, and safe neighborhoods for children and others, and that the quiet enjoyment and value of properties in such neighborhoods may be adversely impacted by the existence of rental properties occupied by groups of unrelated adults, where occupants tend to have more motor vehicles, generate greater traffic and parking congestion, and generate other adverse impacts on the neighborhood such as noise and disorderly conduct. In addition, the council finds that rental houses tend not to be as well or as aesthetically maintained as owner-occupied houses and that this tendency causes a decline in the condition and appearance of homes in the historic neighborhoods of Northfield, which are among its most valuable attributes and are of benefit to the public as a whole because they help make the city an attractive place to visit and to live.

- (b) *Scope; application to existing rental properties.*

- (1) Except as otherwise specifically provided, the provisions of this article shall apply to all buildings or portions thereof used, designed or intended to be let for human habitation.
- (2) Homes for the aged, licensed in-home residential care facilities, hotels, motels, college owned dormitories, and residential college-related facilities in a College Development Zone (CDZ), are exempt from the provisions of this article.
- (3) Residential college-related facilities other than those located in a CDZ shall be treated as followed:
 - a. Residential college-related facilities which came into existence in 1981 or before (before the adoption of a zoning ordinance requiring a conditional use permit for certain of such uses) may be nonconforming uses under the zoning ordinance. Such facilities shall be allowed to maintain the occupancy numbers in existence as of the effective date of this article but shall be subject to the other requirements of this article, including licensing.
 - b. Residential college-related facilities which came into existence after 1981 but before the effective date of this article shall be required to obtain a conditional use permit as soon as reasonably possible if one is required under the zoning ordinance and has not been obtained previously, shall be allowed the occupancy numbers in existence as of the effective date of this article, and shall be subject to the other requirements of this article.
 - c. If any of the residential college-related facilities mentioned in a. and b. above do not have rental licenses as of the effective date of this article, licenses shall be applied for within 30 days of such effective date and shall be granted, regardless of the density limitations of Sec. 14-97, if all other requirements of this article are met. Otherwise the density limitations of Sec. 14-97 shall apply to all residential college-related facilities in R-1 and R-2 zones.
 - d. Residential college-related facilities which come into existence after the effective date of this article shall be subject to all of the requirements of this article.
- (4) Except as otherwise specifically provided, all licensed rental properties in existence on the effective date of this article shall be subject to the following limitations:

- a. *Compliance required.* Such properties shall comply with all requirements of this article immediately upon the effective date of this article, except that the extended time to come into compliance as provided in subsections (3) and (4) below shall apply to compliance with Sections 14-116 through 14-122 and to Sec. 14-125 of this article, and except for any built-in deficiencies allowed by the building official pursuant to subsection (5) below.
- b. *Redistricting.* The city shall be redistricted into two districts containing approximately equal numbers of rental properties, along lines as determined by the community development department which shall place existing district 2 and approximately half of existing district 3 into new District 1, and the other half of existing district 3 and all of existing district 1 into new District 2.
- c. *District 1.* Rental properties in District 1 shall be inspected as soon as reasonably possible following the date of adoption of this article. Any such property which had a valid license under the previous rental ordinance, and which would have passed inspection under the previous ordinance, shall receive a provisional license commencing January 1, 2008, which shall be valid for up to two years, provided that each such property shall be brought into full compliance with the standards established by this article by no later than December 31, 2009. Failure to do so shall result in expiration of the license for the property at midnight on December 31, 2009.
- d. *District 2.* Rental properties in District 2 shall be inspected in late 2008. Any such property which had a valid license under the previous rental ordinance, and which would have passed inspection under the previous ordinance, shall receive a provisional license commencing January 1, 2009, which shall be valid for up to two years, provided that each such property shall be brought into full compliance with the standards established by this article by no later than December 31, 2009. Failure to do so shall result in expiration of the license for the property at midnight on December 31, 2009.
- e. *Built-in deficiencies.* Certain specific deficiencies (referred to as “built-in deficiencies”) in properties licensed prior to the effective date of this article may be deemed to be beyond reasonable correction by the building official and may therefore be waived from meeting certain requirements of this article. Built-in deficiencies which will be waived will be those that the building official finds to have been in conformance with all applicable codes at the time the work was done and that are not causing adverse effects on the health or safety of the occupants of the rental dwelling unit.

Other built-in deficiencies which will be waived from meeting the requirements of this article shall be limited to the following:

1. *Ceiling heights.* An existing habitable room with a ceiling height between 6 feet 6 inches and 7 feet.
 2. *Light.* An existing habitable room with window area less than 8 percent of the floor area but in no case less than 4 percent of the floor area, provided that all sleeping rooms must meet the requirements of Sec. 14-121 (c).
 3. *Stairways.* An existing stairway that does not meet the standards for maximum rise, minimum run, width, height, and landings, so long as it is not considered hazardous by the building official.
- f. *Immediate action.* Nothing in this section shall prevent the building official from taking any immediate enforcement or corrective action allowed by this article in the event a condition exists which causes a risk of serious harm to the public health or safety.
- (c) *Inconsistency with other regulations.* If any standard of this article is inconsistent with any other applicable local, state or federal law, rule or regulation, the most stringent requirement shall apply. However, this article preempts any apparently inconsistent provisions of chapter 14 of this code as they may pertain to rental properties.

Sec. 14-79. Enforcement generally.

- (a) *Authority.* The building official is hereby authorized and directed to enforce or cause the enforcement of this article. For such purposes, the building official shall work with local law enforcement officers to promote the detection and enforcement of criminal violations of this article, and shall have the powers necessary to pursue all civil remedies under this article, except as otherwise provided. Law enforcement officers shall have the authority to issue citations for criminal offenses under this article whether they occur on public or private property and may issue citations for civil penalties by arrangement with and as a designee of the building official. The building official shall be advised of any citations issued by law enforcement officers. The building official shall have the power to render interpretations of this article. Such interpretations shall be in conformity with the intent and purpose of this article.
- (b) *Right of entry.* When it is necessary to make an inspection for purposes of this article, or when the building official has reasonable cause to believe there exists on a rental property a condition which is contrary to or in violation of this article, the building official may enter the rental property or any part thereof at reasonable times

to inspect and otherwise perform the duties imposed by this article, provided that if such rental property is occupied, city credentials must be presented to the occupant and entry requested. If such rental property is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. No rental license shall be issued or renewed if the building official cannot obtain entry to make inspection as required for the issuance or renewal of a license and any existing license shall be deemed suspended until entry is obtained and a satisfactory inspection is completed, unless the building official temporarily and in writing extends a license pending a satisfactory inspection for a period of time and for reasons acceptable to the building official.

- (c) *Responsibilities of owners, occupants, managers and rental agents.* Owners and occupants, and managers and rental agents who function as managers, shall be jointly responsible for maintaining rental property in a safe, sanitary and orderly condition and in compliance with this article and other applicable laws, rules and regulations. Owners are and remain liable for violation of duties imposed by this article even if a duty is also imposed on the occupants of the property, or on a manager or rental agent, and even if the owner has, by agreement, imposed on the occupant, manager or rental agent the duty of furnishing or maintaining required devices, equipment or facilities or otherwise complying with this article.
- (d) *Violations.* Any violation of this article is a misdemeanor and is also subject to all available civil penalties and other remedies. Each day a violation exists constitutes a separate violation.

Sec. 14-80. Definitions.

The following terms shall be defined as provided in this section for purposes of this article, unless the context clearly indicates otherwise. Terms which are not defined in this section or elsewhere in this article shall have their ordinary accepted meanings as determined by the context in which they are used.

Adult is a person 18 years of age or older.

Apartment building is a building or portion of a building that contains 3 or more dwelling units.

Building code is the Minnesota State Building Code and optional codes adopted by the city in Sec. 34-296, as amended from time to time.

Building official is the person designated by the city as its building official and includes any person designated by the building official to perform any of the functions of the building official under this article.

City means the city of Northfield, Minnesota.

Date of adoption of this article means the date the council approved the second reading of the ordinance containing this article, that is, _____, 2007.

Dwelling is a building wholly or partly used or intended to be used for living, sleeping, cooking and eating purposes by human occupants, but not including hotels and motels.

Dwelling unit or rental unit is a room or a group of rooms located within a dwelling or apartment building which are used or intended to be used for living, sleeping, cooking and eating purposes.

Effective date of this article means the date which is 30 days after publication of the ordinance by which this article was initially adopted.

Efficiency dwelling unit is a dwelling unit containing only one habitable room.

Egress is an arrangement of exit facilities to assure a safe means of exit from a building.

Electrical code means the national electrical code, which is part of the building code adopted by the city.

Extermination is the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the building official; and by the removal of all signs of extermination thereafter.

Fire code is part of the building code adopted by the city.

Floor area is the net floor area within the enclosed walls of a room in which the ceiling height is not less than 7 feet, excluding areas used for closets and built-in equipment such as cabinets, kitchen units, fixtures and appliances.

Habitable room is a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

Hot water is water supplied to plumbing fixtures at a temperature of not less than 120 degrees F (49 degrees C). Every hot water heater must have an approved PRV piped to within 18 inches of the floor.

Infestation is the presence of insects, rodents, or other pests within or around the dwelling on a premises.

Let is to give the use of a dwelling, dwelling unit or rooming unit by an owner, agent or manager to an occupant in return for rent.

Manager is a person who has charge, care or control of a building or part thereof in which dwelling unit(s) or rooming unit(s) are let.

Mechanical code is part of the building code adopted by the city.

Nuisance is:

1. Any nuisance as defined by this article or other provision of this code.
2. Any nuisance as defined by state or federal law or regulation.
3. Any public nuisance known at common law or in equity jurisprudence.
4. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot, including but not limited to any abandoned well, shaft, basement or excavation; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; and any lumber, trash, debris or vegetation that may prove a hazard to children.
5. Whatever is dangerous to human life or is detrimental to health as determined by the building official.
6. Overcrowding a room with occupants.
7. Insufficient ventilation or illumination.
8. Inadequate or unsanitary sewage or plumbing facilities.
9. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings as determined by the building official.

Occupant is an individual living in or having possession of a building or part thereof for 14 consecutive days or more, whether or not the individual is occasionally absent from the premises.

Owner is a person or entity which alone or jointly with others owns or has an ownership interest in a dwelling, dwelling unit or rooming unit within the city. Owner shall include any agent or manager designated by the owner to be responsible for the rental property, but the owner shall remain responsible for full compliance with this article.

Plumbing code is part of the building code adopted by the city.

Plumbing fixtures include all potable water supplies and distribution pipes, all plumbing fixtures and traps, and all drainage and vent pipes related thereto.

Premises includes a dwelling or dwellings, surrounding land related thereto, and other structures located on such land.

Refuse is all putrescible and nonputrescible waste solids including garbage and rubbish. (*Putrescible* means liable to undergo bacterial decomposition when in contact with air and moisture at normal temperatures.)

Related by blood, marriage or adoption means whole or half relationship between persons through a common ancestor or descendant or by a relationship as husband, wife, stepparent, stepchild, parent and legally adopted child, or foster parent and state assigned foster child.

Rent is a stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. The return or payment may be money, service, property or other valuable consideration.

Rental agent is a person who is the representative of an owner of rental property. A rental agent must live within 20 miles of the corporate limits of the city. A rental agent may or may not be the manager of the rental property. A rental agent shall not be a tenant of the rental property, unless that person is a manager of an apartment building. Notices or orders served on a rental agent shall be deemed to have been served on the owner of the property.

Rental property is any dwelling, dwelling unit, rooming unit, or multiples thereof on one property and the related premises which are subject to this article.

Rooming unit is a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with private or shared sanitation facilities.

Safety is the condition of being reasonably free from danger and hazards which may cause injury or illness.

Unit is any dwelling, dwelling unit or rooming unit regulated by this article.

Secs. 14-81 – 14-90. Reserved.

Division 2. License

Sec. 14-91. Application.

- (a) *Application by owner.* The owner of any structure in which one or more dwelling units or rooming units are intended to be let shall make application for a rental housing license prior to letting the unit, unless such unit is currently licensed or is exempt from the provisions of this article. The owner shall not allow occupancy of such unit until the required license fee has been paid and a rental housing license has been issued pursuant to this division.
- (b) *Rental agent.* No license for property owned by a person who resides outside the corporate limits of the city shall be issued unless the owner provides to the city the name, address and phone number of a rental agent who lives within 20 miles of the corporate limits of the city. The rental agent shall not be a tenant of the licensed property unless that person is a manager of an apartment building.

Sec. 14-92. Issuance. The building official shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when, upon inspection, the building official finds that the dwelling or unit meets or exceeds the minimum requirements set forth by this article. A rental license shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved and, once issued, shall remain valid until it expires under the terms of this article or is suspended or revoked or until such time as the building official determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements of this article. When a rental property is sold, the new owner shall apply for a rental license in the name of the new owner within 30 days of closing on the sale. The property may be required to be re-inspected prior to issuance of the license, in the discretion of the building official. If a new license is not issued within 60 days of closing on the sale of the property, or within such extended period of time as may be allowed in writing by the building official, the property shall cease being rented and shall not be rented again until a rental license may be issued thereafter, on terms as if it were being issued for the first time.

Sec. 14-93. Renewal. Except as otherwise provided in this article, a rental license shall expire two years after the date of issuance. A renewal license shall be applied for at least 30 days prior to expiration of the existing license. Property shall not be occupied by a tenant after expiration of a rental license or renewal license, provided that the building official may issue a temporary renewal license not to exceed 2 months in duration if the building official deems it appropriate to allow continued occupancy pending issuance of a renewal license. A temporary renewal license shall expire on the stated date and the property shall not continue to be occupied by a tenant unless a full renewal license has been issued by that date.

Sec. 14-94. Suspension or revocation. A rental housing license may be suspended or revoked by the city council based on any serious or repeated violation of this article or other law, rule or regulation related to use or maintenance of the property. Except as otherwise provided by this article, property owners shall be given notice and an opportunity for a hearing before a license may be suspended or revoked. The procedures for such notice and hearing shall be as set forth in Sec. 14-129 through 14-137 of this article. A rental housing license may be suspended

on an emergency basis, with such notice as may reasonably be given but without formal notice and hearing, if necessary to prevent imminent risk of serious harm to persons or property.

Sec. 14-95. Fees. A rental housing license or renewal license fee, in an amount established by resolution of the city council from time to time, shall be paid prior to issuance of a rental housing license or renewal license.

Sec. 14-96. Inspection.

- (a) The building official shall inspect property for compliance with this article upon application for a rental housing license and every two years thereafter, except as otherwise expressly provided. No license shall be issued except upon a satisfactory inspection.
- (b) The building official shall also inspect rental property upon receiving a bona fide complaint from a complainant who leaves his/her name and address. Anonymous complaints shall not be investigated.
- (c) Any owner or occupant of rental property may request an advisory inspection of the property at any reasonable time.
- (d) Upon inspection and the finding of a violation, the building official shall notify the owner and the occupant in writing of the violation and the requirement to correct the violation.
- (e) If the building official finds a violation of the standards imposed by this article at any time after issuance of a rental license, the building official shall re-inspect that property on an annual basis until the property has been free of all violations for a period of one full year, at which time the property shall return to the usual schedule of inspection. The property owner shall pay inspection fees, in amounts determined by resolution of the city council from time to time, for any extra inspections resulting from violation of this article.

Sec. 14-97. Limitation on rental properties in low density neighborhoods. In R-1 and R-2 districts in the city, no more than 20 percent of the houses on a single block shall be granted rental housing licenses. For purposes of this section, the word house shall mean a single structure containing one or more rental units. A single block shall be defined as the houses on both sides of a street between successive intersecting streets or between other such boundaries including college campus boundaries, railroad rights of way, corporate limit lines, or physical features such as rivers, outcroppings, ponds or lakes. Corner houses shall be included in the count of houses on a single block, regardless of which way they face or on what street they are addressed (corner houses may be counted as part of more than one single block).

a. Exception. This limitation shall not apply to rental properties which are validly licensed as of the date of adoption of this article, including properties which have been sold and

re-licensed as provided in Sec. 14-92, although they will be counted among the 20 percent of allowable rental houses on a single block for purposes of determining whether new licenses may be issued.

Sec. 14-98. Specifically prohibited acts. Whoever does any of the following, in addition to any other violation of this article without limitation, shall be guilty of a misdemeanor and shall be subject to all available criminal and civil penalties and other remedies:

- (a) *No license.* Allows occupancy of a dwelling, dwelling unit or rooming unit prior to the issuance of a rental housing license and payment of the license fee or after suspension, revocation or expiration of a rental housing license or renewal license.
- (b) *Over occupancy.* Occupies or allows occupancy of a rental property by more persons than the property is approved for.
- (c) *Occupying vacated unit.* Occupies or allows occupancy of a rental property that was posted and ordered vacated.
- (d) *Occupying uncertified bedrooms.* Occupies or allows occupancy of a room as a bedroom that is not approved as a bedroom and does not qualify as a bedroom under this article.
- (e) *Occupancy of unlicensed unit.* Occupies a rental property for which no license has been issued or for which a license has been suspended, revoked, or has expired without being properly renewed. An occupant of a property which has lost its rental license shall immediately vacate the property. An occupant's remedy for the loss of his or her leasehold interest, if any, shall be by private claim or action against the property owner.

Secs. 14-99 – 14-105. Reserved.

Sec.s 14-106 – 14-114. Repealed.

Division 3. Space, occupancy and use standards

Sec. 14-115. No dwelling, dwelling unit or rooming unit shall be let for occupancy to another which does not comply with the standards of this division. All rental properties shall comply with the standards of this division and with the remainder of this article immediately upon the effective date of this article, unless a different date or time is specified in this article.

Sec. 14-116. Room dimensions.

- (a) *Ceiling height.* All habitable space shall have a ceiling height of not less than 7 feet measured from the finished floor to the finished ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be at least 6 feet 6 inches measured to the bottom of these members. If any room in a building has a

sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, provided that no portion of the room which measures less than 5 feet from the finished floor to the finished ceiling shall be included in the computation of the minimum area required to have the prescribed ceiling height.

- (b) *Floor area.* All units shall have at least one room for common living area that shall have not less than 120 square feet of floor area. Rooms used for sleeping purposes by one or two persons shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be an additional 35 square feet for each additional occupant. The occupancy load for rental units shall be based on the International Building Code (IBC) or the International Residential Code (IRC) occupancy requirements, whichever is applicable, which load shall be designated in conjunction with the issuance of the rental license.

Nothing in this section shall prohibit an efficiency dwelling unit within a house or apartment building which meets the following requirements:

- (1) The efficiency dwelling unit shall have an area of not less than 120 square feet of floor area.
- (2) The unit shall be provided with a separate closet.
- (3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
- (4) Light and ventilation conforming to this article shall be provided.
- (5) The unit shall be provided with a separate bathroom containing a toilet, sink, and bathtub or shower.

- (c) *Dimensions.* No habitable room other than a kitchen shall be less than 7 feet in any horizontal dimension.

Sec. 14-117. Light and natural ventilation.

- (a) *General.* For the purpose of determining the light or ventilation required by this section, any room may be considered as a portion of an adjoining room when at least one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater. Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or a court located on the same lot as the building. This section shall be subject to the following exceptions:

(1) Required windows may open onto a roofed porch where the porch:

- a. Abuts a public way or a yard or court;
- b. Has a ceiling height of not less than 7 feet;
- c. Has a longer side at least 65 percent open and unobstructed; and
- d. Has a clear head room of not less than 48" under a deck.

(2) Skylights are not subject to this section.

(b) *Light.* Habitable rooms, other than kitchens, shall be provided with natural light by means of exterior glazed openings with an area not less than 8 percent of the floor area of such rooms, with a minimum of 8 square feet. All shared or public hallways, stairs and other exit ways shall be adequately lighted.

(c) *Ventilation.*

(1) *Habitable rooms.* Habitable rooms shall be provided with natural ventilation by means of operable exterior openings with an area of not less than 4 percent of the floor area of such rooms, with a minimum of 4 square feet. Exterior openings for natural ventilation shall be provided with tight fitting insect screens.

(2) *Bathrooms.* Bathrooms, water closet compartments and similar rooms shall be provided with natural ventilation by means of operable exterior openings with an area not less than 4 percent of the floor area of such rooms, with a minimum of 1½ square feet. In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing 50 CFM changes per hour shall be provided. Such systems shall be kept clean and maintained in good operating condition to prevent the accumulation of moisture.

Sec. 14-118. Sanitation.

(a) *Dwellings and dwelling units.* Dwellings and dwelling units shall be provided with a bathroom equipped with facilities consisting of a toilet, sink, and either a bathtub or shower.

(b) *Rooming units.* Where private bathrooms are not provided, there shall be provided at least one bathroom accessible from a shared hallway.

- (c) *Kitchen.* Each dwelling and dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Sinks shall be of nonabsorbent materials.
- (d) *Fixtures.* All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material and shall be caulked and sealed by an approved method.
- (e) *Bathroom accessibility.* Where bathrooms are shared by rooming units or by occupants of a dwelling unit, the bathrooms shall be located so that no occupant has to pass through another occupant's bedroom to use the facility.
- (f) *Room separations.* Every water closet, bathtub or shower required by this article shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food preparation areas by a tight fitting door.
- (g) *Floor coverings.* Bathroom floors shall have a smooth, hard, nonabsorbent surface such as vinyl tile, vinyl sheet goods, ceramic tile or concrete. Floor surfaces shall be maintained in good condition so the floor can be kept in a sanitary condition.
- (h) *Installation and maintenance.* All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the plumbing code. Backflow devices shall be installed at all exterior and interior spigots and shower wands.

Sec. 14-119. Structural requirements.

- (a) *General.* Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be maintained in a sound condition.
- (b) *Shelter.* Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness. The building exterior shall be watertight.
- (c) *Protection of materials.* All wood shall be protected against water damage and decay as provided in the building code.

Sec. 14-120. Mechanical requirements.

- (a) *Heating.* All units shall be provided with heating appliances capable of maintaining a room temperature of 68 degrees F at a point 3 feet above the floor in all habitable rooms, bathrooms and water closet compartments. Such facilities shall be installed and maintained in a safe condition and in accordance with their listings, all adopted building, mechanical and electrical codes, and all other applicable laws. Clearances from combustible materials shall be maintained as required by the building and mechanical codes and their listings. Fuel-burning appliances must be vented to the outside. All heating devices or appliances shall be of an approved type and properly listed. All dryer vents must be solid metal (no flexible or plastic piping).
- (b) *Electrical equipment.* All electrical equipment, wiring and appliances shall be installed in compliance with the electrical code and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type under the electrical code. In addition:
- (1) Every habitable room shall be provided with at least one switched light and 2 duplex outlets. Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric light fixture and one convenience outlet. Outlets within 6 feet of a sink or bathtub shall be Ground Fault Interrupted (GFI) outlets.
 - (2) Extension cords shall be used only with portable appliances and shall not be used as a substitute for permanent wiring. Extension cords shall be plugged directly into an approved outlet, power tap or multi-plug adapter and shall, except for approved multi-plug extension cords, serve only one portable appliance. The amp capacity of the extension cord shall not be less than the rated capacity of the portable appliance supplied by the cord and shall be grounded when serving a grounded appliance. Extension cords shall be maintained in good condition without splices, deterioration or damage. Extension cords and flexible cords shall not be attached to the structure, extend through walls, ceilings, or floors or under doors or floor coverings, or be subject to environmental or physical damage.
 - (3) A clear and unobstructed means of access with a minimum width of 30 inches, a minimum height of 78 inches, and a distance of 30 inches in front shall be maintained from the operating face of an electrical service panel, meter or switchboard. Occupants shall at all times have free access to the service panel for their dwelling unit. All exposed wiring must be secured by approved methods. All electrical boxes must have cover plates and the cover plates must not be cracked or broken. Every room used for human occupancy must have a minimum of two electrical outlets. Outlets must meet the requirements of the national electrical code.

- (c) *Ventilation.* Ventilation for rooms and for fuel-burning appliances shall be provided as required in the mechanical code and in this article. Where mechanical ventilation is provided in lieu of the natural ventilation required by this article, such mechanical ventilation system shall be maintained in operation during the occupancy of any building or portion thereof.

Sec. 14-121. Exits; hand and guardrails.

- (a) *General.* All units shall have access directly to the outside or to a common hallway or public corridor with egress to the outside. All buildings or portions thereof shall be provided with exits as required by the building code. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, garage or similar area.
- (b) *Obstruction of egress.* Obstructions, including storage, shall not be placed in the required width of a means of egress, except for projections allowed by the building code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.
- (c) *Escape windows.* Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. Escape windows shall be operable from the inside to provide a full clear opening without the use of separate tools or special knowledge and shall open directly onto a public way or a yard or court located on the same lot as the building.

An escape window from a sleeping room shall have a minimum net clear opening of 5.7 square feet for a room above or below the first floor, and a minimum of 5.0 square feet for an at grade window. The minimum net clear opening height shall be 24 inches. The minimum net clear opening width shall be 20 inches. The finished sill shall not be more than 44 inches above the floor. If it becomes necessary to replace or add a window, the new window shall meet the requirements of the *International Residential Code (IRC)* for a new escape window.

- (d) Any window in a door and any window within 24 inches of a door or in a stairway or stair landing must be tempered glass.
- (e) *Security locks.* All exit doors from all units shall provide security from unlawful entry and shall be provided with a dead-bolt lock which is operable from the inside without the use of a key, special knowledge, or extraordinary effort. All operable windows shall have security locks.
- (f) *Handrails.* Stairways shall have a continuous full-length handrail on both sides. The handrail shall be mounted no less than 34 inches nor more than 38 inches above the

nosing of the stair tread. The handgrip portion of the handrail shall not be less than 1¼” nor more than 2 5/8” cross-sectional dimension. The ends of the handrails shall be returned to the walls. Handrails must be secure and shall not be loose or falling away from the wall or post. This section is subject to the following exceptions:

- (1) Stairways serving one dwelling unit or stairways less than 44” in width may have one handrail.
- (2) Stairways with less than 4 risers and serving only one dwelling unit need not have a handrail.

Existing handrails that are not deemed to be hazardous by the building official are allowed to remain as they are. Existing handrails must not be broken or in an unsafe condition.

- (g) *Guardrails.* Unenclosed floor and roof openings, open sides of stairways, landings, decks, balconies, porches or occupied roofs which are more than 30 inches above the grade or floor below shall be protected by a guardrail. Guardrails shall be a minimum of 42 inches high, except that guardrails serving only one dwelling unit may be 36 inches high. Open railings shall have intermediate rails, spindles or an ornamental pattern such that a 4-inch sphere cannot pass through.

Existing guardrails that are not deemed to be hazardous by the building official are allowed to remain as they are.

- (h) *Stairways.* Stairways shall be at least 3 feet wide with a maximum 7 ¾ inch rise and a minimum 10 inch run, and no differential between rise and run shall exceed 3/8 inch. Stairway landings shall be at least 3 feet by 3 feet. Stairway height shall be 6 feet 8 inches.
- (i) *Entryway landings.* Main entryway landings into structures shall be at least 3 feet by 3 feet with no more than an 8 inch rise to the threshold.
- (j) *Doors.* At least one exterior door into a structure containing one or more dwelling units must be at least 3 feet wide and 80 inches in height.

Sec. 14-122. Fire protection.

- (a) *General.* All buildings or portions thereof shall be provided with the degree of fire resistive construction, fire warning devices and fire extinguishing devices as provided by this article, the building and fire codes, and the *IRC*.
- (b) *Corridors.* Corridors in apartment buildings serving an occupant load of 10 or more shall have walls and ceilings of not less than one-hour fire resistive construction.

Existing lath and plaster walls in good condition are permitted for corridor walls and ceilings and for occupancy separations when approved by the building official.

- (c) *Doors.* Doors located in a common corridor or hallway, not within a dwelling unit, and doors between a garage and a dwelling space, shall be reasonably smoke and draft tight and constructed of 1¾” solid core wood or a 20 minute fire-rated door assembly. Doors shall be self closing by means of a door closure or a pair of spring loaded hinges and shall be maintained so as to securely latch when closed by the closure or spring loaded hinges.
- (d) *Openings in corridors.* Transom windows and openings other than doors are not permitted into corridors unless they are a fixed one-hour fire-rated assembly or have been covered with 5/8” type X gypsum board. A fire damper with a one-hour fire-resistive rating shall protect ventilation ducts with openings into corridors.
- (e) *Garage walls and ceiling.* The wall between a garage and a dwelling space shall be protected by ½” sheetrock and the sheetrock shall extend from the foundation to the underside of the roof sheathing. The ceiling between a garage and a dwelling space located above the garage shall be protected by 5/8” sheetrock.
- (f) *Smoke detectors.* Smoke detectors shall be installed as required by this article. A minimum of one detector shall be located in the basement and each story. A detector shall be located outside of bedrooms and in each bedroom. The building official may require additional smoke detectors where additional protection may be required.

The occupant of a rental unit shall notify the owner or manager of the unit within 24 hours of discovering that a detector is not functioning. The owner or manager shall take immediate action to render the detector operational or replace it.

Any occupant, owner or manager of a rental unit who willfully disables a smoke detector or causes it to be nonfunctioning is guilty of a misdemeanor. If the unit is occupied by more than one tenant, each tenant shall be held accountable.

- (g) *Fire alarm system.* A fire alarm system meeting the requirements of the fire code shall be installed in apartment buildings containing 16 or more dwelling units or 3 or more stories in height, except as follows:
 - (1) Buildings which are protected throughout by an approved, supervised automatic sprinkler system conforming to the building code and having a local alarm to notify the occupants.

- (2) Where dwelling units are separated from each other and public areas by at least one-hour fire-resistive separations and each individual dwelling unit has an exit directly to a public way, court or yard.

Fire alarm systems shall be tested at least annually. Test reports shall be maintained on the premises and a copy of each test shall be filed with the fire chief.

- (h) *Fire extinguishers.* All rental units shall be equipped with a fire extinguisher with a minimum rating of 2A 10BC. The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within 50 feet of each dwelling unit door.

Fire extinguishers shall be serviced at least annually. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.

Sec. 14-123. Miscellaneous requirements.

- (a) *Building identification.* Every building shall have the assigned street number(s) displayed on the building in such a position as to be plainly visible and legible from the street fronting the property and as otherwise required by this code.

Every building shall have the owner’s name, address and phone number posted on a sign or plaque within 2 feet of the main building entrance. If there is a rental agent or manager, the agent or manager’s name, address and phone number shall also be posted, adjacent to the owner’s. The number of occupants for which each rental unit is approved shall also be stated. Such sign or plaque shall be permanently affixed to the inside of the building. The sign shall be printed in letters a minimum of ½” in height and shall be worded according to the following form:

BUILDING OWNER NAME STREET ADDRESS CITY, STATE, ZIP PHONE NUMBER	AGENT/MANAGER NAME STREET ADDRESS CITY, STATE, ZIP PHONE NUMBER
UNIT #____ - ____ OCCUPANTS	
UNIT #____ - ____ OCCUPANTS	

- (b) *Recyclables.* The property owner shall provide recyclable materials containers. Occupants shall place recyclables curbside on designated pick-up days and shall remove such containers from curbside by 6 p.m. the day of collection. Recyclables shall be stored in an inconspicuous place and shall not be stored in the front yard.

- (c) *Refuse.* The property owner shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight fitting cover. Containers shall have a maximum capacity of 33 gallons with 2 handles, or a container of any size supplied by the waste removal company to be mechanically lifted may be used. Occupants shall place refuse in the approved refuse containers provided by the owner. The owner shall ensure that refuse is removed from the property at least once every 7 days. Refuse containers shall not be stored in the front yard and shall be removed from curbside by 6 p.m. the day of collection. Containers with a capacity of 1.5 cubic yards or more shall not be stored in an occupied building or within 5 feet of combustible walls, openings or combustible roof eaves.
- (d) *Unused or discarded items.* Discarded, unused, dilapidated or junk appliances, furniture, mattresses, building materials, and other items shall be promptly removed from the property.
- (e) *Storage of items.* Large amounts of combustible items and materials shall not be stored in attics or basements. Storage shall be maintained 2 feet or more below ceilings and floor joists. Combustible items and materials shall not be stored within one foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum 3-foot aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other building service equipment.
- (f) *Fuel storage.* LP tanks, gasoline containers and fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored or repaired in an apartment building or rental dwelling unit.
- (g) *Barbecues and open flames.* In any structure containing two or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, on any roof, or on any ground floor patio within 15 feet of the structure. No person shall store or use any fuel, barbecue, torch, or similar heating or lighting chemicals or device in such locations.
- (h) *Energy conservation.* Doors and windows shall be maintained in tight and draft free condition. Holes and cracks in foundations and exterior walls shall be filled.
- (i) *Blight.* All rental properties shall conform to the following exterior property standards and maintenance requirements, in addition to any other property and maintenance standards and blight and nuisance regulations which may apply to the property (the most stringent requirements shall apply):

- (1) *Clean, safe and sanitary condition.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- (2) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water outside or within any structure located thereon.
- (3) *Walkways and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (4) *Weeds.* All exterior property and premises shall be maintained free from weeds and other plant growth in excess of 6 inches. Weeds shall be defined as all grasses, annual plants and vegetation other than trees, shrubs and cultivated flowers and gardens.
- (5) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- (6) *Exhaust vents.* Pipes, ducts, conductors, fans and blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (7) *Accessory structures.* All accessory structures shall be maintained structurally sound and in good repair.
- (8) *Motor vehicles.* No inoperable or unlicensed motor vehicle shall be parked, kept or stored outside of a completely enclosed structure on any rental property.
- (9) *Defaced property.* It shall be the responsibility of the owner to restore any portion of a rental dwelling or rental property that has been damaged, mutilated or defaced by the placing of any marking, carving or graffiti on any structure.
- (10) *Exterior maintenance, generally.* The exterior of a structure shall be maintained in good repair and in a structurally sound and sanitary condition.
- (11) *Protective treatment.* All exterior surfaces including but not limited to siding, doors, windows, door and window frames, cornices, porches, trim, balconies, chimneys, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements

and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained in a weather resistant and water tight condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

- (12) *Structural members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (13) *Foundation walls.* All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (14) *Exterior walls.* All exterior walls shall be free from holes, breaks and loose or rotting materials and shall be maintained weatherproof and properly surface coated where required to prevent deterioration.
- (15) *Roofs and drainage.* Roofs and flashing shall be sound, tight and shall not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (16) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (17) *Overhang extensions.* All overhang extensions including but not limited to canopies, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and shall be properly anchored.
- (18) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (19) *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe and sound and in good repair.
- (20) *Handrails and guardrails.* Every handrail and guardrail shall be firmly

fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

- (21) *Windows, skylights, doors and frames.* Every window, skylight, door and door frame shall be kept in sound condition, good repair and weather tight.
- (22) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
- (23) *Openable windows.* Every window other than a fixed window shall be easily openable and capable of being held in position by window hardware.
- (24) *Insect screens.* During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of any room under this article shall be supplied with approved tightly fitting screens.
- (25) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- (26) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Sec. 14-124. Parking. The following parking standards apply to rental properties in R-1 and R-2 districts of the city only and supercede any inconsistent standards established by this code. Parking standards for rental properties in other zoning districts shall be as stated in Sec. 34-1013 of this code. The building official shall inspect and approve specific parking spaces for each rental property which is subject to this section and the approved spaces shall be designated in conjunction with the rental license. The owner and occupants of the property shall not allow parking anywhere other than on approved parking spaces.

- (a) *Number of spaces.* Each rental dwelling unit shall have a minimum of 2 off-street parking spaces, and as many additional off-street spaces as may be desired so long as they meet the dimensional, surface, location, and other requirements of this section.
- (b) *Dimensional standards.* Parking spaces shall have the following minimum dimensions:

Width:	9 feet
Length (non-tandem):	18 feet
Length (tandem):	22 feet

- (c) *Parking surface standards.* Each parking space shall be constructed and maintained in good condition with a uniform hard surface of concrete, asphalt, minimum of 4 inches

of Class 5 compacted gravel, or similar surface specifically approved by the building official.

- (d) *Location.* Parking spaces shall be located in a garage or on approved driveway surfaces which lead to a garage or a side yard. Vehicles shall not be parked on grass, dirt, in front yards, backyards, or in any other location which is not an approved parking space and which does not adhere to these standards.
- (e) *Enforcement.* Property owners are specifically advised that they, as well as their tenants, are responsible for enforcing these parking regulations and they are required to exercise effective control over their tenants and others visiting or using the property. The legal enforcement of these parking standards shall be the joint responsibility of the building official and the police department.
- (f) *Time for compliance.* Any licensed rental property in existence at the time of adoption of this article which cannot readily provide parking spaces as required by subsections (a), (b) and (c) of this section may request permission from the building official for time to come into compliance with those subsections, which may be approved, in writing, for a period of time not to exceed one year from the date of adoption of this article. All properties which are subject to this section shall immediately comply with the other requirements of this section.

Sec. 14-125. Occupancy. No rental unit shall be occupied by more than the number of persons for which the unit is approved, based on International Residential Code (IRC) or International Building Code (IBC) requirements, which number shall be designated in conjunction with the issuance of the rental license. In addition to that limitation, rental properties in an R-1 or R-2 district may not be occupied by more than 3 adult persons who are unrelated by blood, marriage, or adoption, provided that a property owner may apply for a special permit to allow 4 or 5 unrelated adult persons to occupy a rental unit and such a permit may be approved by the building official if the building official can reasonably determine that the unit has adequate square footage as designated by the IRC occupancy table to adequately house 4 or 5 people and that it contains 4 or 5 original or remodeled bedrooms (not bedrooms converted from other uses such as living rooms, dining rooms, hallways or closets) which conform to the requirements of this article. The building official may impose additional requirements as a condition of approval of such a special permit, including but not limited to a requirement for additional approved off-street parking spaces.

If a property owner proposes to let a rental unit in an R-1 or R-2 district to more than the number of adult persons allowed pursuant to the foregoing paragraph, the burden shall be on the proposed occupants to prove that they are related by blood, marriage or adoption. The occupants shall provide such proof to the property owner as a condition of the rental and the property owner shall provide such proof to the city upon request. The city shall determine the reliability of such proof in its reasonable discretion and may require additional evidence to be submitted.

Sec. 14-126. Conduct on licensed premises.

- (a) *Disorderly conduct.* It shall be the responsibility of the rental license holder to take appropriate action to prevent conduct by occupants and their guests on licensed premises which is hereby deemed disorderly and which is in violation of any of the following statutes or ordinances:
- (1) Northfield Code, Chapter 50, Article IV, Sec. 50-86, which prohibits disorderly conduct.
 - (2) Northfield Code, Chapter 50, Article IV, Sec. 50-87, which prohibits noisy parties or assemblies.
 - (3) Minnesota Statutes §§ 609.75 through 609.76, which prohibit gambling.
 - (4) Minnesota Statutes §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto.
 - (5) Minnesota Statutes §§ 152.01 through 152.025, and 152.027, subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
 - (6) Minnesota Statutes § 340A.401, which prohibits the unlawful sale of alcoholic beverages.
 - (7) Minnesota Statutes §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.
 - (8) Minnesota Statutes § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
 - (9) Minnesota Statutes §§ 609.185, 609.19, 609.195, 609.20, and 609.205, which prohibit murder and manslaughter.
 - (10) Minnesota Statutes §§ 609.221, 609.222, 609.223, and 609.2231, which prohibit assault.
 - (11) Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, and 609.3451, which prohibit criminal sexual conduct.
 - (12) Minnesota Statutes § 609.52, which prohibits theft.
 - (13) Minnesota Statutes §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632, which prohibit arson.
 - (14) Minnesota Statutes § 609.582, which prohibits burglary.
 - (15) Minnesota Statutes § 609.595, which prohibits damage to property.
- (b) *Enforcement of disorderly use violations.* A violation of any of the foregoing ordinances or statutes is established by a finding of guilt by a court of competent jurisdiction, even if there is a stay of adjudication or other post-conviction orders or proceedings. The building official shall notify the property owner when any such charges are brought against a tenant or guest unless prohibited from doing so by law.

- (1) *First violation.* Upon determination by the building official or a law enforcement officer that a disorderly use violation as enumerated above occurred on a rental property, the building official shall notify the owner of the rental property of the violation and direct the owner to take appropriate action to prevent further violations. All notices required by this section shall be in writing, delivered personally to the owner or sent by first class mail to the owner's last known address.
- (2) *Second violation.* If a second disorderly use violation occurs on the rental property by the owner or the same occupant, or by a family member, roommate, or guest of the owner or occupant, within 3 months of an incident for which notice was given under subsection (1), the building official shall notify the owner of the rental property by certified mail of the violation and shall require the owner of the rental property to submit a written report of the actions taken, and proposed to be taken, to prevent further disorderly use of the premises. This written report shall be submitted to the building official within 14 days of the date of mailing of the certified letter.
- (3) *Third violation.* If a third disorderly use violation occurs on the rental property by the owner or the same occupant, or by a family member, roommate, or guest of the owner or occupant, within 3 months after the second previous instance of disorderly use, when notices were sent to the owner of the rental property pursuant to this section regarding the first and second instances, the rental license for the subject dwelling, dwelling unit or rooming unit shall be suspended by the city council for an initial period up to 90 days.
- (4) *Subsequent violation.* If another disorderly use violation occurs on the rental property by the owner or the same occupant, or a family member, roommate, or guest of the owner or occupant, within 12 months after the end of a suspension period, the city council may suspend the rental license for up to an additional year. In lieu of suspension, the city council may impose a fine equivalent to the rent for the cumulative suspension periods under (3) and (4) of this section.
- (5) *Eviction or vacation.* It shall not be considered an instance of disorderly use if the tenant is evicted or voluntarily vacates the licensed premises prior to the hearing before the city council and within 2 full calendar months after the determination by the building official or law enforcement officer that disorderly use has occurred and notice of the determination has been sent to the licensee.

Division 4. Enforcement

Sec. 14-127. Unsafe or hazardous building. Any rental property which is determined by the building official to be an unsafe or hazardous building due to noncompliance with any of the standards of this article or with any other applicable law, code or regulation, may be dealt with either under the provisions of this division or under the provisions of Minnesota Statutes Section 463.15, et. seq. The building official may order the emergency securing of a building which presents an immediate danger to health or safety of persons in the community, as allowed by Minnesota Statutes Section 463.251, Subd. 4.

Sec. 14-128. Violations in general. Any violation of this article or other applicable law, code or regulation by the owner or occupant of a rental property may be enforced through criminal sanctions, administrative penalties as provided in this article, suspension or revocation of the rental license, through a correction process as provided in this division, and by any other lawful means. All remedies are cumulative.

Sec. 14-129. Commencement of proceedings. When the building official has determined that a violation has occurred, the building official may commence proceedings to suspend or revoke the rental license, cause the repair, rehabilitation, vacation or demolition of the building, or to pursue any other remedy available at law.

Sec. 14-130. Notice and order. Before commencing proceedings to suspend or revoke a rental license or to cause the repair, rehabilitation, vacation or demolition of a building, the building official shall issue a notice and order directed to the owner of record of the building. The notice and order shall contain the following:

- (a) The street address and a legal description sufficient for identification of the rental property.
- (b) A statement that the building official has found a violation of this article or other applicable law, code or regulation, with a brief and concise description of the conditions which constitute the violation.
- (c) A statement of the action taken or required to be taken as determined by the building official.
 - (1) If the building official has determined that the building must be repaired, the order shall require that all required permits be secured and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

- (2) If the building official has determined that the building must be vacated, the order shall require that the building shall be vacated within a certain time from the date of the order as determined by the building official to be reasonable.
- (3) If the building official has determined that the building must be demolished, the order shall require that the building be vacated within such time as the building official shall determine reasonable (not to exceed 60 days from the date of the order), that all required permits be secured within 60 days from the date of the order, and that the demolition be completed within such time as the building official shall determine is reasonable.
- (4) Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official: (i) will order the building vacated and posted to prevent further occupancy until the work is completed; and (ii) may proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.
- (5) If the building official has determined that the rental license should be suspended or revoked, the order shall state the reasons for such suspension or revocation and the conditions on which the license may be reinstated, if any.
- (6) Statements advising: (i) that any person having any record title or legal interest in the building may appeal to the rental housing board of appeals from the notice and order or any action of the building official, provided the appeal is made in writing as provided in this article and filed with the city clerk within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and will result in the order or other action of the building official being a final determination of the matter.

Sec. 14-131. Service of notice and order. The notice and order shall be served upon the owner of record and posted on the property, and one copy thereof shall be served on each of the following if disclosed from the tax rolls of the county or otherwise known to the building official: the holder of any mortgage or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this article.

Sec. 14-132. Method of service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it

appears on the last tax roll of the county or as otherwise known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing, whether or not a return receipt is received.

Sec. 14-133. Proof of service. Proof of service of the notice and order shall be certified to at the time of service by a notarized statement executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.

Sec. 14-134. Notice to vacate. Every notice to vacate shall, in addition to being served, be posted at or upon each entrance to the building, and shall be in substantially the following form:

DO NOT ENTER
UNSAFE OR ILLEGAL TO OCCUPY

It is a misdemeanor to occupy this building
or to remove or deface this notice.

Inspection Division
City of Northfield

Sec. 14-135. Compliance with notice to vacate. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued at the commencement of proceedings under this division, and shall recite the emergency or conditions that necessitate vacation. No person shall remain in or enter any building that has been so posted, except that entry may be made to repair, demolish or remove such building if allowed by any required permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the building code, or other corrective action has been taken as required by the building official. Any person violating this section shall be guilty of a misdemeanor.

Sec. 14-136. Rental housing board of appeals.

- (a) *Established.* A rental housing board of appeals is established.
- (b) *Members; appointment; terms; vacancies.*

- (1) The board shall consist of five voting members and non-voting advisory members as provided in this section.
 - (2) Voting members shall be appointed by the mayor with approval of the council, each for a three year term. Regular terms shall commence on January 1. Initial terms shall be shortened or lengthened and thereby staggered so that there will be a continuity of representation on the board.
 - (3) Advisory members shall consist of the fire chief and other persons designated by the mayor from time to time.
 - (4) Vacancies shall be filled by appointment by the mayor with approval of the council to fill any portion of an unexpired term.
 - (5) Members shall continue on the board until a successor is appointed. A member may be appointed to succeed him or herself.
- (c) *Officers.* At the first meeting of each calendar year, voting members of the board shall select a chair, vice chair, and secretary, each to serve throughout the year and until a successor is chosen.
- (d) *Meetings.* The board shall hold an annual meeting in January each year, at which it shall select officers and review its obligations under this section. Otherwise, the board shall meet specially upon the call of the chair. Any three voting members may also call a special meeting. Written notice of all meetings shall be given to the members by the secretary, setting forth the purpose of the meeting. All meetings shall be properly noticed and open to the public unless otherwise provided by state law.
- (e) *Quorum; voting.* A majority of all voting members of the board shall constitute a quorum to conduct business, but less than a quorum may adjourn from time to time. Any decision of the board which reverses or modifies a decision of the building official shall require a vote of two-thirds of all voting members of the board.
- (f) *Responsibilities; procedures.* The board shall hear appeals from any order, requirements, decision or determination made by the building official in the administration of this article. The board shall follow the appeals procedures set forth in this article, provided that the board may establish its own procedures and policies so long as they are not inconsistent with any provision of state or local law.

Sec. 14-137. Appeal.

- (a) *Form of appeal.* Any person may appeal from any notice and order or any action of the building official under this article by filing at the office of the building official a written appeal containing the following:
- (1) A heading in the words: “Appeal to the Rental Housing Board of Appeals.”
 - (2) A caption reading: “Appeal of _____,” giving the names of all appellants participating in the appeal.
 - (3) A brief statement setting forth the legal interest of each of the appellants in the property involved in the notice and order.
 - (4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 - (5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
 - (6) The signatures of all parties named as appellants and their official mailing addresses.
 - (7) The appeal shall be filed within 30 days from the date of service of such order or action of the building official, provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of any person or adjacent property and it is ordered vacated and is posted, such appeal shall be filed within 10 days from the date of service of the notice and order of the building official.
- (b) *Payment of fee; processing of appeal.* At the same time as an appeal is filed as provided in this section, the appellant shall pay a fee for the processing of such appeal, in the amount which shall be established by the city council by resolution from time to time. Upon receipt of such appeal and the payment of such fee, the building official shall forward the appeal to the rental housing board of appeals and initiate the scheduling and noticing of the hearing of the appeal.
- (c) *Scheduling and noticing hearing of appeal.* As soon as practical after receiving the written appeal, the date, time and place for the hearing of the appeal shall be set. Such date shall be not less than 10 days nor more than 45 days from the date the appeal was filed with the building official unless otherwise agreed by all parties. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the city clerk, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy

thereof by first class mail, postage prepaid, addressed to the appellant at the address shown on the appeal.

- (d) *Form of notice of hearing.* The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the Northfield Rental Housing Board of Appeals on _____, _____, 20__, at _____ p.m., or as soon thereafter as the matter may be heard, upon your appeal from the notice and order served upon you. You may be, but need not be, represented by counsel. You may present any information which is relevant to your appeal.

- (e) *Effect of failure to appeal.* Failure of any person to file an appeal as provided in this section shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
- (f) *Scope of hearing on appeal.* Only those matters or issues specifically raised in the written appeal shall be considered in the hearing of the appeal.
- (g) *Reasonable dispatch and continuances.* The rental housing board of appeals shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives. The rental housing board of appeals may grant continuances for good cause shown.
- (h) *Record.* A record of the entire proceedings shall be made by tape recording or audio-video recording, or by any other means of permanent recording determined to be appropriate by the rental housing board of appeals with the concurrence of the city council.
- (i) *Form of decision and effective date.* The decision of the rental housing board of appeals shall be in writing and shall contain findings of fact, a determination of the issues presented and the requirements to be complied with. A copy of the decision shall be delivered to the appellant(s) personally or sent by certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated.

Sec. 14-138. Enforcement of order of building official or rental housing board of appeals.

- (a) *General.* After any order of the building official or the rental housing board of appeals made pursuant to this article becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any person who fails to comply with any such order is guilty of a misdemeanor.

- (b) *Failure to obey order.* If, after any order of the building official or rental housing board of appeals made pursuant to this article has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may: (i) cause such person to be prosecuted for the criminal offense, (ii) institute any appropriate action to abate such building as a public nuisance, and/or (iii) take any other action and pursue any other remedy provided by this article or other applicable law or regulation.
- (c) *Failure to commence work.* Whenever any required repair or demolition is not commenced within the time required, or, if no different time is stated, within 30 days after any final notice and order issued under this article becomes effective:
- (1) The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice in form as shown in Sec. 14-134 of this article.
 - (2) No person shall occupy any building that has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removals ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the current building code.
 - (3) The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished; or, to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.
- (c) *Extension of time to perform work.* Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 90 days, within which to complete such repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life, limb or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal the notice and order.

- (d) *Interference with repair or demolition work prohibited.* No person shall obstruct, impede or interfere with any person who is engaged in the work of repairing, vacating and repairing, or demolishing any building that has been ordered repaired, vacated or demolished under the provisions of this article.

Sec. 14-139. Recovery of costs.

- (a) *Costs incurred by city.* The costs of such work, including the costs of administration, enforcement and other related costs, including attorneys fees related to enforcement of this article, shall be paid from a repair and demolition fund or other available funds of the city, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, as the city council shall determine is appropriate.
- (b) *Account of expense; filing of report.* The building official shall keep an itemized account of the expenses incurred by the city in the repair or demolition of any building under this article. Upon the completion of the work of repair or demolition, the building official shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building is or was located, and the names and addresses of the persons entitled to notice.
- (c) *Personal obligation.* The city council may order that the charge shall be made a personal obligation of the property owner or assess the charge against the property involved. If the city council orders that the charge shall be a personal obligation of the property owner, it shall direct the city attorney to collect the same on behalf of the city by use of all appropriate legal remedies.
- (d) *Special assessment.* If the city council orders that the charge shall be assessed against the property, it shall be levied and collected as a special assessment in the manner provided by Minnesota Statutes Sections 429.061 to 429.081. Prior to submission of the assessment to the county, the city council shall, on the date the assessment is adopted, add an administrative fee of up to 15 percent (depending on the amount of administrative and related expense otherwise included in the amount of the special assessment itself) of the amount then due. The assessment shall be payable in a single installment.
- (e) *Repayment of funds.* All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the repair and demolition fund or other fund from which the costs were drawn.

Division 5. Administrative penalties.

Sec. 14-140.

- (a) *Purpose.* The city council finds that there is a need for alternative methods of enforcing the rental housing ordinance. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in the criminal justice system does not ensure prompt resolution of problems which affect the public interest. Individuals may resent being labeled as criminals for violation of administrative regulations. The higher burden of proof and the potential of being incarcerated do not appear appropriate for many administrative violations. The court system does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for violation of this article.
- (b) *General provisions.*
- (1) A violation of any provision of this article is an administrative offense which shall be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
 - (2) An administrative offense shall be subject to a civil penalty not exceeding \$2,000.
 - (3) The city council shall adopt by resolution a schedule of penalties for offenses initiated by administrative citation. The city council may also adopt a schedule of fees and expenses to be paid to administrative hearing officers.
 - (4) The city administrator or his/her designee shall adopt procedures for administering the administrative citation program.
- (c) *Administrative citations.*
- (1) Any person authorized to enforce the provisions of this article may issue an administrative citation upon belief that a violation has occurred. The citation shall be issued in person or by first class mail to the owner of the rental property, or the owner's agent if known, and to any other person known to be responsible for the violation. In the case of a violation involving a motor vehicle, a copy of the citation shall also be attached to the motor vehicle. The citation shall state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled penalty, and the manner for paying the penalty or appealing the citation.

- (2) The person responsible for the violation must either pay the scheduled penalty or request a hearing within 7 days after issuance of the citation. Payment of the penalty constitutes admission of the violation. A late payment fee of 10 percent of any scheduled penalty amount shall be imposed.

(d) *Administrative hearing.*

- (1) *Hearing officers.* The city council shall periodically approve a list of lawyers from which the city clerk shall randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The clerk shall notify the accused of the selection of the hearing officer. The accused shall have the right to request, no later than 5 business days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for removal in each case will be granted automatically by the city clerk. A subsequent request must be directed to the assigned hearing officer who shall decide whether he or she cannot fairly and objectively review the case and in that case the officer shall remove himself or herself from the case and the city clerk shall assign another hearing officer. The hearing officer is not a judicial officer but is a public officer as defined by Minn. Stat. Sec. 609.415. The hearing officer shall not be a city employee or city official. The city administrator shall create procedures for evaluating the competency of the hearing officers, including comments from accused persons and city staff. The city administrator shall report to the city council regarding such evaluations at the request of the council, and the council may revise the list of approved officers at any time.
- (2) *Subpoena.* Upon the hearing officer's own initiative or upon written request of an interested party demonstrating the need, the officer may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents which are material to the matter being heard. The party requesting the subpoena (or the city, if issued on the hearing officer's own initiative) is responsible for serving the subpoena in the manner provided for civil actions and for paying the fees and expenses of a witness. A person served with a subpoena may file an objection with the hearing officer promptly but no later than the time specified in the subpoena for compliance. The officer may cancel or modify the subpoena if it is unreasonable or oppressive. A person who, without just cause, fails or refuses to attend and testify or to produce the required documents in obedience to a subpoena is guilty of a misdemeanor. Alternatively, the party requesting the subpoena may seek an order from the district court directing compliance. If the accused fails or refuses to comply with a subpoena, the facts sought to be proved

through compliance with the subpoena may be found by the hearing officer to have been admitted.

- (3) *Notice and hearing.* Notice of the hearing shall be served in person or by mail on the person(s) responsible for the violation at least 10 days in advance of the hearing, unless a shorter time is accepted by all parties. At the hearing, the parties shall have the opportunity to present testimony and question any witnesses, but strict rules of evidence shall not apply. The hearing officer shall tape record the hearing, receive testimony and exhibits, and provide the record of the proceeding and any exhibits to the city with the officer's decision. The officer shall receive and give weight to evidence admitted, including hearsay evidence which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.
- (4) *Decision.* The hearing officer has the authority to determine that a violation occurred; to impose the scheduled penalty; to reduce, stay, or waive a scheduled penalty either unconditionally or upon compliance with appropriate conditions; and to dismiss a citation. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:
1. The duration of the violation;
 2. The frequency or reoccurrence of the violation;
 3. The seriousness of the violation;
 4. The history of the violation;
 5. The violator's conduct after issuance of the citation or notice of hearing;
 6. The good faith effort by the violator to comply;
 7. The economic impact of the penalty on the violator;
 8. The impact of the violation on the community; and
 9. Any other factors appropriate to a just result.

The hearing officer may exercise discretion to impose a penalty for more than one day of a continuing violation, but only upon a finding that (i) the violation caused a serious threat of harm to or impact on the public health, safety, or welfare, or that (ii) the accused intentionally and unreasonably refused to comply with the requirements of this article. The hearing officer's decision and supporting reasons shall be in writing, served personally or by registered mail to the last known address of the person served. Service by registered mail shall be complete upon mailing.

- (5) *Failure to attend.* A failure to attend the hearing constitutes a waiver of the accused's right to an administrative hearing and an admission of the

violation. A hearing officer may waive this result upon good cause shown. Examples of good cause are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. Good cause does not include forgetfulness, mistake, or intentional delay.

- (e) *Administrative review.* The accused may request review of the decision of a hearing officer by the rental housing board of appeals by filing a written request for such review with the city clerk within 5 days of service of the written decision of the hearing officer. The rental housing board of appeals shall consider the record in its entirety and shall either uphold, overturn or modify the decision of the hearing officer. The board's decision shall be in writing. If review by the rental housing board of appeals is not requested in a timely manner, the decision of the hearing officer shall be final. Otherwise the decision of the board shall be final.
- (f) *Judicial review.* An aggrieved party may obtain judicial review of the decision of the hearing officer or of the city council by petition to the district court.
- (g) *Recovery of civil penalties.*
 - (1) If a civil penalty is not paid within the time specified, it shall constitute:
 - 1. A lien against the real property upon which the violation occurred if the property or improvements on or use of the property was the subject of the violation and the property owner was found to be responsible for the violation, which shall be specified in the written decision of the hearing officer; or
 - 2. A personal obligation of the violator in all other situations.
 - (2) A lien as provided in this section may be assessed against the real property and certified to the county auditor for collection with real estate taxes.
 - (3) A personal obligation may be collected by any available legal means.
 - (4) A late payment fee of 10 percent of the penalty may be assessed for each 30 day period, or part thereof, during which the penalty remains unpaid after the due date.
 - (5) During the time that a civil penalty remains unpaid, the city shall not grant or renew any license, permit, or other city approval sought by the violator or related to the property involved in the violation.

- (6) Failure to pay a penalty shall be grounds for suspending or revoking a license, permit or other approval related to the violation.

This ordinance shall be effective 30 days following publication.

Passed by the City Council of the City of Northfield this 17th day of September 2007.

ATTEST:

City Clerk

Mayor

First Reading: _____

Second Reading: _____

Published: _____

VOTE: ___ LANSING ___ CASHMAN ___ DAVIS ___ DENISON
 ___ NELSON ___ POKORNEY ___ VOHS