

ORDINANCE NO. 433
AN ORDINANCE REGULATING THE REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTIES WITHIN THE CITY OF MILACA

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

CHAPTER 119: RENTAL HOUSING REGISTRATION AND REQUESTS FOR RENTAL HOUSING INSPECTIONS

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§119.01 PURPOSE AND INTENT.

(A) The purpose of this section is to protect the public health, safety, and welfare of the community at large, and the residents of residential rental properties in the City of Milaca.

(B) The purpose of this section is also to ensure that rental housing in the city is decent, safe, and sanitary, and is so operated and maintained as not to become a nuisance to the neighborhood or an influence that fosters blight and deterioration, or does not create a disincentive to reinvest in the community.

(C) The operation of a residential rental property is a business enterprise that entails certain responsibilities. Owners and operators are responsible for taking such reasonable steps as are necessary to ensure that the citizens of the city who occupy such rental properties may pursue the quiet enjoyment of the normal activities of life in their surroundings that are: safe, secure,

and sanitary; free from noise, nuisances, or annoyances; and free from conditions that endanger the health, or safety of persons, and the security of property.

(D) The City of Milaca finds that a registration program is appropriate to effectively identify residential rental properties, gather contact information for property owners of residential rental properties, provide educational materials to property owners and occupants of residential rental properties, and to provide a more efficient system to ensure that the stock of residential rental property within the City is properly maintained.

(E) It is also the purpose of this section to provide a mechanism for a Tenant, Owner, Neighborhood Association or City Resident to request the City of Milaca to inspect a Rental Dwelling or Living Unit for let or occupancy for compliance with the building code, fire code, city ordinance and the 2015 International Property Maintenance Code so as to not to become a nuisance to the neighborhood and/or community.

§119.02 DEFINITIONS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APARTMENT. A community, complex, or building having a common owner and containing four (4) or more living units.

APPLICANT. The natural person completing the registration form prescribed herein.

CITY MANAGER. The City Manager or the City Manager's designee.

DWELLING. A building, or portion thereof designed or used exclusively for residential occupancy, including one family, two family, and multiple family dwelling units; efficiency units; manufactured homes; and townhomes, but not including hotels, motels, or hospitals.

FAMILY. One or more persons related by blood, marriage, adoption or foster parent relationships occupying a dwelling and living as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household and using common cooking facilities, as distinguished from a group occupying a rooming/boarding house or hotel/motel, as herein described.

LET FOR OCCUPANCY or TO LET. To permit possession or occupancy of a dwelling or living unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

LIVING UNIT. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

NEIGHBORHOOD ASSOCIATION (Housing Related). "Housing-related neighborhood organization" means a nonprofit corporation incorporated that:

(1) designates in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and

(2) is formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

NO OCCUPANCY ORDER. The residential rental dwelling or unit cannot be used for sleeping, eating, cooking, or living.

OCCUPANT. Any person living or sleeping in a dwelling or having possession of a space within a dwelling.

OPERATE/RENT. To let for occupancy or to let.

OWNER. Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner.

PERSON. An individual, corporation, firm, association, company, partnership, organization, or any other group acting as a unit.

RENTAL DWELLING. Any apartment, general housing unit, or single family dwelling let for occupancy.

RENTAL MANAGER. Any natural person who has been delegated by the residential rental property owner the charge, care, or control of a residential rental property, and is able to respond in person to issues related to the residential rental property.

RESIDENTIAL RENTAL PROPERTY. Any building, or one or more portions thereof, occupied or intended to be occupied for residential purposes by a residential tenant.

RESIDENTIAL RENTAL PROPERTY OWNER. Any person or entity owning residential rental property within the city.

RESIDENTIAL TENANT. A person who does not own, but occupies a dwelling for residential purposes, for payment of a fee or other compensation to the owner, under a lease or contract, written or verbal.

SINGLE FAMILY DWELLING. A dwelling with less than two (2) living units.

STRUCTURE. Anything constructed or erected on, or connected to the ground.

§119.03 REGISTRATION REQUIRED

(A) Registration of each residential rental property shall be made on a separate form provided by the city, and shall include the following information:

(1) The name, address, email (if applicable) and telephone number of the residential rental property owner and rental manager(s);

(2) The name, address, email (if applicable) and telephone number of the natural person completing the registration form;

(3) The address of the residential rental property. In the case of an apartment building, the applicant shall provide the address and name for the building, as well as the number of dwelling units contained therein;

(4) Whether a criminal background check is conducted on each and every residential tenant by the residential property owner or their manager;

(5) Whether a written lease exists for the residential rental property and each unit dwelling thereon; and

(6) Whether a written lease addendum commonly known as a "Drug Free/Crime Free Lease Addendum" exists for each and every written lease.

(B) Within 30 days of a transfer of ownership, change in rental manager, change in the number of rental units, or change in dwelling occupancy from owner occupancy to rental tenant occupancy, the residential rental property owner or rental manager shall complete and submit a registration form for each and every residential rental property affected by the transfer or change and pay the applicable registration fee.

(C) A residential rental property owner owning residential rental property at the time of the adoption of this chapter shall have until July 31, 2018 to comply with the registration provisions contained therein.

§119.04 REGISTRATION FEES.

The fee for registration shall be set forth by the City of Milaca's fee schedule. Applications received after August 1, 2018 following the adoption of this ordinance will pay a double fee.

§119.05 REGISTRATION EXEMPTION.

All owners of residential rental properties are required to register their properties according to this section, however, the following property owners are exempt from the registration fee and the requirement to post a registration certificate.

(1) A residential rental property owner is related to the tenant as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, foster child, step-grandparent, or step-grandchild and the owner or agent affirms in the registration that each of the renters is one of these relations.

(2) Any building or dwelling unit which is a State of Minnesota licensed rest home, assisted living facility, convalescent care facility, licensed group home, Housing with Services, or nursing home. The owner or agent of a residential rental property licensed or registered by the State of Minnesota must provide the current license or registration number on the registration form.

(3) Any Housing and Urban Development (HUD) Public Housing Agency.

(4) A residential property that is occupied by the Owner or the Owner's family and two or less tenants where the Owner and the tenants share all living space within the dwelling.

§119.06 RENTAL MANAGER REQUIRED.

(A) Each residential rental property owner shall appoint a rental manager upon whom the city may lawfully serve notices pertaining to the administration of this or any other chapter of the city code or state or federal law, service of which shall be as effective as if made upon such residential rental property owner.

(B) The residential rental property owner may serve as the rental manager, provided all requirements of a rental manager prescribed within this chapter are met by the residential rental property owner.

§119.07 REGISTRATION TRANSFER.

Every new owner of residential rental property (whether a fee owner or contract purchaser) shall be required to furnish a new registration application to the City Manager. Registration fees shall be required of the new owner in which the property is purchased and the application needs to be received within 30 days of the transfer.

§119.08 POINT OF CONVERSION.

Whenever a dwelling is converted to a residential rental property, the dwelling shall be registered within 30 days as set forth in this chapter.

§119.09 REPORT OF CHANGES IN OWNERSHIP.

Residential rental property owners that are registered must report to the City Manager any changes in the identity of the owner of a residential rental property, including a change in the

majority shareholder or shareholders and officers in the case of a corporation. Owners must report a change within 30 days after closing the property transaction.

§119.10 NOTICE TO TENANT, REQUIREMENT TO POST.

The owner or its agent must post, in accordance with the instructions provided by the City, in each rental unit a copy of the Registration Certificate provided by the City upon registration. This certificate shall specifically include the following minimum information:

- (1) The street address and building name (if applicable) of the registered property;
- (2) The name, street address, and telephone number of either the owner or the rental manager;
- (3) Information about how to access the *Landlord and Tenants Rights and Responsibilities Handbook* provided by the Minnesota Attorney General.
- (4) Date of issuance.
- (5) Number of dwelling units located within the residential rental property.

119.11 OWNER'S LIABILITY.

- (A) The owner of the residential rental property shall make an effort to cause persons occupying the rental unit to conduct themselves in such a manner as to not cause the premises to be in violation of the prohibition against noise as set for in the City of Milaca's Noise Ordinance, not to allow to exist on the premises a public nuisance.
- (B) Notwithstanding any findings of the City Manager for other violations, any rental property whose property receives more than four (4) law enforcement calls per dwelling unit with in a twelve (12) month period, or receives twenty-four (24) law enforcement calls or complaints within a twelve (12) month period, whichever number is less, shall appear before the Milaca City Council, upon notice, to review the continuation of the rental registration. This review is not an exclusive remedy.
- (C) The owner of the residential rental property is responsible to verify that each tenant that has dogs on the property have licensed the dogs with the City and to adhere to City Ordinance #95.

§119.12 REMEDIES FOR NON-COMPLIANCE.

(A) Revocation, Suspension, Denial of Registration or other Action.

- (1) The City Manager may revoke, suspend or deny any registration issued under this chapter for part or all of a rental dwelling upon any of the following grounds:

(a) False statements on any application or other information or report required by this chapter to be given by the applicant;

(b) Failure to pay any application, penalty, or inspection fee required either by this section or City Council resolution;

(c) Failure to correct deficiencies in the time specified in a compliance order;

(d) Failure to allow an authorized inspection of a rental dwelling;

(e) Any other violation of this chapter.

(2) Before the City Manager may revoke, suspend or deny a registration, written notice must be sent to the applicant or owner setting forth the alleged grounds for the potential action. The notice must also specify a date for a hearing before the City Council. The City Council may give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue written findings.

(3) Upon a decision to revoke, deny, or not renew a registration, the owner/applicant will not be eligible for any new rental registrations for a period determined by the City Manager, but not to exceed one year. Any person who has had two or more registrations revoked, suspended or denied for violations of this chapter will not be eligible for any new rental registrations for a period determined by the City Manager, but not to exceed two years.

(4) A decision to revoke, suspend or deny a registration or application will specify the part or parts of the rental dwelling to which it applies. Until a registration is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension, or non-renewal of a registration will not excuse the owner/applicant from compliance with all terms of this section for as long as any units in the rental dwelling are occupied.

(5) Failure to comply with all terms of this section during the term of revocation or suspension is a misdemeanor and grounds for extension of the term of revocation, suspension, or continuation of non-renewal of the registration.

(6) Appeal. Following receipt of a decision by the City Manager to deny, revoke or suspend a registration, the owner/applicant may request a hearing before the City Council. The request must be made in writing to the City Manager within ten days of the City Manager's decision.

(B) Any person who operates rental property in violation of this Ordinance, may be required to attend the Milaca Police Department Rental Property Presentation at the cost of the owner of the rental property. The City Manager shall determine if the owner of a rental property shall have to attend the Milaca Police Department Rental Property Presentation.

(C) Posting of unregistered properties. Any dwelling found in violation of this chapter may be posted with a placard near or upon the main entrance of the dwelling.

§119.13 INSPECTIONS.

(A) Responsibility. It is the responsibility of the Owner to be in compliance with City ordinances and State laws.

(B) Maintenance standards. Every rental dwelling must maintain the standards in the City per the 2015 International Property Maintenance Code, Zoning Code and any other requirements of the ordinances of the City or the laws of the State of Minnesota.

(C) Inspections and Inspection Fees.

(1) The City Manager is authorized to make inspections at the request of a Tenant, Owner, Neighborhood Association or City Resident to ensure compliance with the 2015 International Property Maintenance Code, building code requirements, fire code requirements, and city ordinances.

(2) The City Manager, designated City staff or City official is authorized to conduct inspections after receiving a safety or nuisance complaint. The inspection is to ensure the rental property and dwelling are in compliance with the 2015 International Property Maintenance Code, building code requirements, fire code requirements, and city ordinances.

(3) All designated agents authorized to make the requested inspection may enter at reasonable times any rental dwelling with the Tenant's or Owner's permission. If any owner, operator, occupant, or other person(s) in charge of a rental dwelling refuses to permit access and entry to the rental dwelling, or any part thereof, the designated agent may, upon showing that probable cause exists for the inspection, seek a court order directing compliance with the inspection in order to secure entry.

(4) The requested inspection will be conducted and a fee charged in accordance with the city's fee schedule (see Exhibit A).

(a) If violations are not corrected and re-inspections are required, a fee will be charged for each subsequent re-inspection occurring after the due date for compliance with an order. The amount of the re-inspection fee will be set by ordinance of the City Council.

(b) The violation and/or re-inspection fees prescribed above are to be billed directly to the owner of the property.

(c) The City Manager may waive a re-inspection fee in case of error, mistake, injustice, or other good cause.

(d) Failure to attend a scheduled inspection date or failure to pay any fees associated with inspections may have additional penalties and/or fines as outlined in the City Code.

§119.14 SUMMARY ACTION REMEDIES.

When the conduct of any owner or their agent, representative, employee, or lessee or the condition of their rental dwelling is detrimental to the public health, sanitation, safety, and general welfare of the community at large or residents of the rental dwelling as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the City Manager has the authority to issue a No Occupancy Order or close off individual units or such areas of the rental dwelling.

Notice of No Occupancy Order must be posted at the location of the rental dwelling and at the units or areas affected and shall indicate the units or areas affected. Upon notice of a No Occupancy Order, the City Manager may impose terms and conditions as necessary to remedy the nuisance, fire hazard, or other unsafe or dangerous condition.

§119.15 OWNER'S RIGHT TO APPEAL

Any person aggrieved by a decision or action of the City Manager shall be entitled to appeal to the City Council by filing a notice of with the City Manager. The appeal must be filed within ten (10) days of the City Manager's decision. The City Manager will schedule a date for a hearing before the City Council and notify the aggrieved person of the date.

The hearing must be conducted in the same manner as if the aggrieved person had not received summary action. The decision of the City Manager is not voided by the filing of such appeal. Only after the Council has held its hearing will the decision or action of the City Manager be affected.

§119.16 ASSESSMENT OF UNPAID FEES OR FINES.

Any unpaid violation fine or inspection fees may be assessed against the property in the manner set forth in the City Code.

§119.17 MAINTENANCE OF RECORDS.

All records, files, and documents pertaining to the Rental Housing Registration Program and Requests for Rental Housing Inspections shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes, or ordinances.

§119.18 ASSESSMENT OF UNPAID ADMINISTRATIVE PENALTIES.

Any unpaid administrative penalty for failure to comply with the provisions in this code may be assessed against the property in the manner set forth in the City Code.

EFFECTIVE DATE

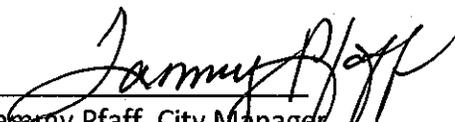
This ordinance shall become effective upon its summary publication in the City of Milaca newspaper of record.

Adopted by the City Council of the City of Milaca this 19th day of April, 2018.



Mayor Harold Pedersen

ATTEST:



Tammy Pfaff, City Manager

1st Reading: 04-19-18

2nd Reading: 04-19-18

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