

City of Milaca
Planning Commission Agenda
October 9, 2017
6:00 P. M.
255 1st St. E City Hall Council Room

1. Open public hearing for a request from the City Council to make additions to Ordinance 413. Chapter 97 Rental Code Title IX: General Regulations. Chapter 98 Crime Free Rental Housing Program Certification. Chapter 99 Fire Code Title IX: General Regulations. Licensing of Rental Property Fee Schedule. Rental Property Checklist.
2. Close public hearing
3. Open Regular Planning Commission Meeting
4. Call to Order/ Roll Call
5. Approve the minutes from the August 14, 2017 Planning Commission Meeting
6. New Business
 - Ordinance 413. Chapter 97 Rental Code Title IX: General Regulations.
 - Chapter 98 Crime Free Rental Housing Program Certification.
 - Chapter 99 Fire Code Title IX: General Regulations.
 - Licensing of Rental Property Fee Schedule.
 - Rental Property Checklist.
7. Coin-Tainer Property
8. Other Business
9. Adjourn

MILACA PLANNING COMMISSION

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MILACA WAS DULY HELD ON THE 14th DAY OF AUGUST 2017, AT 255 1st ST. E. FOR THE PURPOSE OF PUBLIC HEARING AND REGULAR MEETINGS.

UPON ROLL CALL, THE FOLLOWING MEMBERS WERE PRESENT:

Scott Harlicker X Mike Cassens
Luke Kotsmith Sherie BillingsX Arla Johnson X Pam Novak X

EX-OFFICIO MEMBERS:

Marshall Lind, Building Official/ Zoning X

Laurie Gahm, Liaison

Others Present: Dale Clifton

Public Hearing – for a variance request from Dale & Beverly Clifton to have an accessory structure (deck) less than the required setback of 5 feet in an R-2 One and Two Family Residential Zoning District

Planning Commissioner Harlicker opened the public hearing and asked for comments or questions.

Mr. Clifton explained that he has submitted everything he could think of for the variance request. They would like to have an 8 ft. wide deck instead of a 6 ft. wide one.

Being no comments or questions, the public hearing was closed.

The Regular Planning Commission was called to order and roll call was taken.

Motion was made by Commissioner Johnson to approve the minutes of the July 10, 2017 planning commission meeting. Second by Commissioner Novak.

Motion **passed** unanimously

Commissioner Harlicker stated the next item on the agenda is the variance request.

Lind stated that the applicant was asking to have a 3 ft. side yard setback instead of the required 5 ft. side yard setback. Lind did state that the existing yard is less than the required square footage that our City Ordinance requires now, and that the width is 66 ft. and the required width on lots now is a minimum of 80 ft. Lind also stated that MN State Building codes do allow a structure to be within 3 ft. of a property line, anything closer would have to be fire proofed.

Commissioner Billings asked if there were any letters or phone calls from the neighbors. Lind explained that the City did not receive any letters or phone calls for or against this variance.

Mr. Clifton stated that he talked to the neighbor to the North, where the deck would be going and the neighbor didn't have any problems with it.

Commissioner Novak and Johnson stated that as long as none of the neighbors are against it, they don't see a problem with it.

Commissioner Harlicker did state that with a variance, there are conditions that need to be applied and one of the conditions is that the property cannot be put to a reasonable use and he believes the property

is being used to a reasonable use. Just because the owner wants to do something more, doesn't constitute granting a variance.

Commissioner Novak made the motion to grant the variance due to the size and shape of the lot does not meet current zoning standards. Commissioner Billings seconded the motion.

Motion **passed** 3-1, Commissioner Harlicker voted against because he feels the property can be put to a reasonable use.

Next item on the agenda was the review of the new rental/housing code ordinance.

There was discussion on who would be enforcing the ordinance, Lind stated that he would be doing the inspections but it would be a group effort between the building/zoning department, the police department and the fire department.

Lind stated the police dept. would be doing an 8 hour class that all owners would need to attend and they would also be doing background checks on the owners. There were questions if the renters would need background checks, Lind stated only if Council has determined that there are persons residing in the property engaging in disorderly conduct which results in a hostile environment, and then the Operator shall conduct criminal background investigation through the Milaca police dept. There were questions about if you have a son/daughter living with you would you need to be licensed. Lind stated that in the ordinance, it allows for that situation without a license.

Commissioner Billings made the motion to recommend approving these ordinances to City Council as written. Commissioner Johnson seconded the motion.

Motion **passed** unanimously.

Lind explained that the ordinances would be sent to the City Attorney for review before it goes to the City Council.

With no other business a motion to adjourn was made by Commissioner Johnson, second by Commissioner Billings.

Motion **passed** unanimously

Minutes respectfully submitted by,

Marshall Lind

Marshall Lind
Zoning Administrator

Full minutes can be heard on tape on file

Ordinance 413

TITLE IX: GENERAL REGULATIONS

Chapter 97 Rental Code

97.01 PURPOSE AND INTENT

Subd 1. Purpose: The purpose of this Ordinance is to protect the public health, safety and welfare of the residents of the City of Milaca who have, as their place of abode, a dwelling unit, manufactured home, lot or room furnished to them for the payment of a rental charge to another.

Subd 2. Intent: The intent of this Ordinance is to provide a permanent mode of protecting and regulating the living conditions of these residents by providing minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of rental property by providing minimum standards for light and ventilation necessary for the health and safety, and minimum standards for the maintenance of existing private and rental residential buildings.

Subd 3. Savings Clause: With respect to rental disputes, and except as otherwise specifically provided by the terms of this Ordinance, it is not the intention of the City to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord that are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. Neither, in enacting this Ordinance, is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

97.02 DEFINITIONS The following words and phrases shall have the meanings given them in this ordinance:

- A. Building: Shall mean any structure used or intended for supporting or sheltering any use or occupancy.

- B. Dwelling Unit: Consists of one (1) or more rooms that are arranged, designed, or used as living quarters. Each room or group of rooms shall be a separate dwelling unit. A rooming house shall be considered a single dwelling unit, but may charge a fee based on the number of sleeping rooms. A structure that is self-enclosed and arranged, designed and used as living quarters to a single family or group of persons under a single lease or agreement shall be considered a single dwelling unit.

- C. Familial Relation: Shall mean a legally recognized son, daughter, father, mother, grandfather, grandmother, grandson, granddaughter, sister, or brother.
- D. Housing Inspector: Shall mean a designee appointed by the Milaca City Council authorized to administer and enforce this Ordinance.
- E. License: Shall mean a provisional license, which is issued after receipt of fees and may be revoked if such rental property is found not to be in compliance with ordinances, codes or statutes.
- F. Lot: Shall mean an area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.
- G. Manufactured Home: Shall mean as provided in Ordinance 341 Sect. 156.006.
- H. Manufactured Home Park: Shall mean any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- I. Maximum Occupancy: Shall mean that for each occupant in a dwelling unit, 100 square feet of space must be provided.
- J. Occupant: Shall mean any person (including the owner or operator) living, sleeping, cooking, or eating in a dwelling unit.
- K. Operator: Shall mean the owner or agent who has charge, care, control or management of a building or manufactured home park or part hereof, in which dwelling units, manufactured homes, lots or rooming units are let.
- L. Owner: Shall mean any person who, alone or jointly or severally with others, shall be in actual possession of, or have charge, care or control of any dwelling unit, manufactured home, lot, rooming house or sleeping unit within the City.
- M. Person: Shall mean any natural person his/her heirs, executors, administrators or assignees, and also includes a firm, partnership, and limited liability company, cooperative or corporation, it's or their successors or assigns, or the agent of any of the aforementioned.
- N. Rental Property: Shall mean a dwelling unit offered for rent or occupied by a person or persons in the status of tenant, but does not include motels. This term

shall not include property in which the dwelling unit or manufactured home is owned by the occupant, but the land or lot is rented or leased.

- O. **Rooming House:** Shall mean a building or structure providing a room or rooms intended for living and sleeping for persons in the status of tenant in which the toilet and kitchen facilities are shared, and the common or shared areas of the structure are actively maintained by the operator. This term shall include boarding houses, day cares, lodging houses, bed and breakfasts, fraternity and sorority houses, but does not include hotels, motels, or hospitals.
- P. **Sleeping Rooms:** Shall mean a room or enclosed floor space in a rooming house or dwelling unit, as defined herein, used or intended to be used primarily for sleeping purposes.
- Q. **Tenant:** Shall mean one who has as his/her place of abode a dwelling unit, manufactured home, lot, rooming house or sleeping room furnished to him/her for payment of a rental charge to another.

97.03 INTERNATIONAL PROPERTY MAINTENANCE CODE ADPTED BY

REFERENCE The International Property Maintenance Code, 2015 Edition, as from time to time amended or modified, is hereby adopted by reference, so far as it applies to rental property, and is made a part of this Ordinance as if fully set out in length.

97.04 LICENSE REQUIRED No person shall occupy, allow to be occupied, or let to another for occupancy any dwelling unit in the City of Milaca for which a license has not been properly issued by the City of Milaca. No rental dwelling shall be issued a license by the City unless it complies with the ordinances of the City of Milaca and the statutes of the State of Minnesota, which pertain to such properties. A rental property solely occupied by the owner or a familial relation of the owner is exempt from this requirement.

Subd 1. **License Fee:** The City Council may establish a licensing fee schedule for each dwelling unit or sleeping room in each rental property. The schedule may include a separate fee for licenses, inspections, crime prevention program participation and delinquencies. Said license fees shall be payable at the time of application for licensing or renewal of a license and shall be a prerequisite to the issuance of the required license. Once issued, a licensee shall not be entitled to a refund on any license fee upon suspension or revocation.

- a. Rental property which is licensed as a "Curing Home" (Nursing Home) or a "Boarding Care Home" by the State of Minnesota Department of Health pursuant to Minnesota Statutes Chapter 157 shall be exempt from the

registration fee required under this Section. This exception shall not apply if no services are provided to the tenants, or the services are incidental to, or independent of, the landlord/tenant relationship.

- b. If the license fee required hereunder is paid after March 31 for the next license year, penalties shall be imposed as established by the licensing fee schedule.
- c. All licenses shall expire March 31, two calendar years following the year it was issued. Application for any license in which an inspection is required shall be 30 days prior to expiration. For cause, the Housing Inspector may waive the application deadline for an applicant.
- d. A delinquency fee shall be charged to the owner of rental property operated without a valid license. The imposition of this fee by the Housing Inspector may be appealed to the City Council by submitting a request to the City within twenty (20) days of the mailing or posting of the notice of the fee.

Subd 2. License Application: The application for license shall be made and filed on a form furnished by the City of Milaca for such purpose and shall set forth the following information:

- a. Name, residence address and phone number of the owner of any rental property, or property manager authorized by the owner to accept service of process and to receive and give receipt for notices. In cases where the owner of any rental property lives outside the City of Milaca, the license application shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances. Such agent shall live within Minnesota;
- b. Name, address and phone number of any agent actively managing the rental property;
- c. Street address of the rental property;
- d. Tax parcel number of the rental property or manufactured home park in which the rental property is located;
- e. Number and description of units within the rental property (dwelling units, manufactured homes, or sleeping rooms), including square footage of each room in unit;

- f. Name, address and phone number of the person authorized to make or order repairs and/or service to the rental property, to provide required services necessary to protect the health, safety, and welfare of the occupants, or are able to contact the person so authorized;
- g. Maximum number of people permitted per dwelling unit, manufactured home, lot, rooming house, or sleeping room;
- h. **Crime-Free Rental Housing Phase I Training Required.** The Licensee or the Manager with control over the rental dwellings and rental dwelling units must attend, at a minimum, the Phase I crime-free rental housing educational course or similar course as approved by the City Manager as a condition of receiving or renewing a license. The cost of attending the educational requirements under this section shall be paid in addition to any license and inspection fees. Course attendance will be required on a schedule to be determined by the City Manager. Certification of completion of Crime Free Rental Program.

Subd 3. Manner of Application: The license application shall be made by the owner, if such owner is a natural person; if the owner is a corporation, cooperative or limited liability company, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer thereof, on the appropriate form available from the Housing Inspector.

Subd 4. Inspection: All rental units will be subject to a biennial inspection conducted by the Housing Inspector, or his/her authorized representative, prior to issuance of the license. The Housing Inspector may grant a license contingent on an inspection being completed within thirty (30) days, if all other requirements, including payment of the license fees, are met. After thirty (30) days, the license shall expire unless the Housing Inspector has certified the required inspection.

Subd 5. License Before Occupancy: All rental property required to be licensed pursuant to the provisions of this Ordinance shall be licensed prior to occupancy or the letting to another for occupancy, and thereafter all licenses of such rental property shall be renewed pursuant to 97.04, Subd. 1(c).

Subd 6. Transfers: Every new owner of a rental property (whether as fee owner, contract purchaser, or otherwise entitled to possession) shall apply for and obtain a license under this Ordinance before taking possession.

97.05 DISPLAY OF LICENSE. For dwellings containing four or more dwelling units, the rental license certificate must be displayed in the lobby or other common area visibly accessible to all tenants of the licensed dwelling. The license certificate must be encased in a frame with a

clear glass or plastic surface over the certificate and must be mounted securely to the wall. For dwellings less than four dwelling units, the Licensee must provide a copy of the rental license certificate to each tenant by attaching a copy to the Tenant's copy of the executed lease agreement. A copy of the license certificate must be displayed at or near the front of the electrical panel of the home of the building for which it was issued and shall be reasonably protected from wear by a plastic cover or similar protective device.

97.06 INSPECTION. Right of Entry: In order to insure compliance with this Ordinance's requirements, or upon receiving a written, signed complaint, the Housing Inspector shall have the authority to enter any building or manufactured home park at reasonable times upon notice to the landlord and tenant, to determine if the building or manufactured home park is operated as a "rental property" as defined in this Ordinance or to enforce the International Property Maintenance Code, or both.

97.07 HEALTH DEPARTMENT INSPECTION. The Mille Lacs County Health Department and/or the City Building Official shall have the right to inspect any dwelling, whether rental or owner-occupied, to enforce sanitation requirements.

97.08 HOUSING ADVISORY AND APPEALS BOARD. The City Council shall appoint a Housing Advisory and Appeals Board ("Housing Board") as provided below. The Housing Board shall be the Planning Commission Board. In addition to the responsibilities enumerated in the International Property Maintenance Code, the Housing Board shall serve in an advisory capacity in making recommendations concerning the housing and rental programs. It shall be the duty of the Housing Advisory and Appeals Board to study City Ordinances and Codes concerning housing from time to time and to make recommendations for new ordinances. The term of the members shall each be for three (3) years, with a maximum of three full three-year terms. Except in the event of a vacancy, appointments shall be effective January 1 of each year. Appointments shall be effective January 1 of each year and provide for staggered, overlapping terms. The initial appointments shall be made such that two (2) members appointed shall serve for three years, two (2) shall serve for two years, and one (1) shall serve for one year. Any vacancy shall be filled for the remainder of the term in the same manner as an original appointment. If a Board member shall no longer serve in the capacity under which they qualified for appointment, the City Council shall declare a vacancy. The Board members shall continue until their successor has been appointed.

97.09 EXCESSIVE LAW ENFORCEMENT CALLS. Notwithstanding any finding of the Housing Inspector for other violations, any rental property whose property receives more than one (1) law enforcement call per dwelling unit within 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 license. This review is not an exclusive remedy.

97.10 CRIMINAL BACKGROUND CHECKS

Subd 1. Purpose: The Milaca City Council has determined that there are persons residing in rental property in the City of Milaca engaging in disorderly conduct which results in a hostile environment for other Milaca citizens living near or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the City's neighborhoods and the public health, safety, and welfare of its citizens by providing a system at the local level for criminal history/background investigation of prospective tenants.

Subd 2. Background Investigations: Each Operator shall conduct criminal history/background investigations on prospective tenants in rental property through the Milaca Police Department. No such investigation shall be conducted using the state Criminal Justice Data Communications Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the Operator presents an Informed Consent/Waiver form signed by the prospective tenant. The Informed Consent/Waiver form must meet the requirements of Minnesota Statutes Section 13.05, Subd. 4 (d). Each request must be on a form approved or provided by the Milaca Police Department. The Operator shall pay a fee as established by Council resolution.

97.11 LANDLORD LIABILITY. The owner of a rental unit, manufactured home park, rooming house or sleeping room shall be responsible 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 forth in the City of Milaca's Noise Ordinance, nor to allow to exist on the premises a public nuisance.

97.12 APPLICABLE LAWS. Licensees shall be subject to all of the Ordinances of the City of Milaca and the applicable State and Federal laws relating to dwellings. In the event this Ordinance conflicts with any other applicable ordinance or law, the more restrictive shall apply.

97.13 ENFORCEMENT. Enforcement of this Ordinance is accomplished by the Housing Inspector who is authorized to conduct inspections, issue licenses, investigate complaints, and seek penalties of property owner(s) found to be in violation.

97.14 PENALTY. Any person who operates rental property in violation of this Ordinance shall be guilty of a misdemeanor and subject to the maximum penalty permitted by law. Each violation of this Ordinance shall constitute a separate offense. As an alternative to criminal penalties, the City may seek the following corrective action. The Housing Advisory Board will consider such penalties and/or actions after providing written notice and an opportunity to be heard to the owner of the rental property.

Subd 1. Require a Phase Two Participant or a Phase Three Participant:

Phase Two Participant (Includes Phase One plus the following)

- a. Complete a security assessment and complete the security improvements recommended. This phase will certify that the rental dwelling has met the security requirements for the tenant's safety
- b. For rental dwellings with four or more units, attend a minimum of 25 percent of Owners/Managers Association meetings
- c. For rental dwellings with less than four units, attend Licensee/Manager refresher training at least once every three years and conduct an exterior inspection of the property at least once every six months.

Phase Three Participant (Includes Phase One and Two plus the following)

- a. For rental dwellings with four or more units, conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.
- b. For rental dwellings with four or more units, hold regular resident meetings.
- c. For rental dwellings with four or more units, attend a minimum of 50 percent of Licensee/Managers Association Meetings.
- d. Have no unresolved City Code violations within the past year.
- e. For rental dwellings with less than four units, attend annual refresher training approved by the City Manager at least one time per year and verify attendance.
- f. For rental dwellings with less than four units, meet with tenants at least one time per year, inspect the exterior of the dwelling at least quarterly, and inspect the interior of the dwelling unit at least one time per year and provide written verification on the form provided by the City.

Subd 2. License Denial, Suspension, or Revocation: Every operating license issued under this Ordinance is subject to suspension or revocation. If the City suspends or revokes an operating license, it shall be unlawful for the owner or the duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until the operating license is restored. Current tenants will be allowed to remain until the end of their lease or one (1) year, whichever is less. In the case of revocation, restoration of the license shall occur only after the premises' owner has applied for a new license, paid a new application fee and complied with all sections of this or any applicable City Ordinance. The City Manager may deny or not renew a license and the City Council may revoke or suspend a license for any of the following reasons that shall also constitute a violation:

- a. The property does not conform to City Ordinance.
- b. The property does not comply with a health, building, maintenance, or other provisions of the City Ordinances or State Law.
- c. The Licensee has failed to pay the license fee, inspection fees, the investigation fee, or a fine that has been imposed.
- d. The Licensee has made fraudulent statements, misrepresentations, or false statements in the application or investigation or in any information required by this Chapter.
- e. Conviction of a background check crime as defined in Minnesota Statutes Section 299C.67, subd. 2 as may be amended from time to time; or any crime related to the business licensed and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business.
- f. Operating or allowing the rental property to be used in such a manner as to constitute a breach in peace, a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the Chief of Police.
- g. Actions unauthorized or beyond the scope of the license granted.
- h. The Licensee's rental license to operate a rental dwelling in another jurisdiction has been denied, revoked, or suspended.
- i. Failure to schedule and/or allow rental or building inspections of the licensed premises, for the purpose of ensuring compliance with rental licensing requirements, City Code requirements, State Building Codes, or other applicable State and Federal law.
- j. Failure to continuously comply with all conditions required as precedent to the approval of the license.
- k. Real estate or personal property taxes have become delinquent and the property owner and the Licensee are the same person or entity, or have any common ownership where they are different person or entity.
- l. Violation of any regulation or provision of the City Code applicable to the activity for which the license has been granted, or any regulation or State or Federal law that may be applicable.
- m. Excessive calls for service as determined by the Chief of Police or the Fire Department Chief based on the number and nature of the calls compared to the number of dwelling units on the property when the Licensee has been notified of the call by the Chief of Police or the City Fire Chief and the Licensee has failed to supply

- an appropriate written action plan for reducing the calls for service, or when the calls for service exceed an established threshold.
- n. Failure to actively pursue the eviction of tenants who have violated the provisions of the crime free lease addendum or who have otherwise created a nuisance in violation of the provisions of the written lease.
 - o. Other good cause as determined by the City Council after conducting a public hearing.

The City Council may revoke a license or suspend a license for a set period of time or until violations of City Code, or State or Federal law are corrected and, in addition, impose a civil penalty for each violation or impose a combination of these sanctions:

- (1) Temporary Suspension: The City Council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgement, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (2) Notice: Before the suspension or revocation of the rental license, the City must provide written notice informing the Licensee of the right to a hearing. The notice must provide at least 20 calendar days' notice of the time and place of the hearing and must state the grounds for the proposed suspension or revocation of the license. The notice may be served upon the Licensee personally, by leaving the notice at the licensed premises with the designated Manager, or by certified mail to the address listed on the license application.
- (3) Hearing: A hearing will be conducted before the City Council at a public meeting. The Licensee shall have the right to be represented by Counsel, the right to respond to the charge violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the City
- (4) Council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.
- (5) Final Decision: Following the hearing, the Council may revoke or suspend the license for all or any part of the licensed premises may stay the revocation or suspension upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of

the Chapter, or grant or continue the license. The decision by the City Council following a hearing is final. Upon a decision to suspend a license, no new application from the current Licensee for the same rental dwelling will be accepted for a period of time specified in the Council's decision, not exceeding one year. A decision to revoke a license will result in no new application being accepted from the same Licensee for a minimum of one year.

- (6) Appeal of Decision to Deny or not Renew License: If the City Manager denies or does not renew a license, the Licensee shall be notified in writing, specifying the reasons for denying or not renewing the license. If the Licensee corrects the conditions leading to the denial or non-renewal within seven days, the City Manager shall issue the license. A Licensee whose license has been denied or not renewed by the City Manager may appeal the decision by filing with the City Manager a written notice of appeal with seven days of receiving notice of the City Manager's decision. The hearing will be conducted pursuant to 97.14 (2)2.
- (7) Notification to Tenants: Upon denial, suspension, revocation or other enforcement action of a license, the City will notify all affected tenants of the action against the license. If the license is revoked or suspended the Licensee may not let, rent or allow to be occupied any vacant dwelling units, or dwelling units that become vacant during the revocation of suspension period.

Subd. 3. Minimum Penalties: The following are the minimum penalties for a Licensee's failure to comply with applicable Federal or State law or the requirements of this Chapter relating to the license. However, the level and order of the penalties will be at the sole discretion of the City Council, based upon the nature of the infraction. When appropriate, the City may impose penalties exceeding those stated below based on the history of the compliance and the severity of the violation, up to a maximum amount of \$10,000 per violation:

Violation Minimum Penalties	Phase 3 Participant	Phase 2 Participant	Phase 1 Participant
1 st - Violation	\$200	\$300	\$500
2 nd - Violation within 12 months	\$500	\$600	\$1,000
3 rd - and subsequent Violation with 12 months	\$1,000	\$1,200	\$2,000

Subd 4. Hazardous Building Declaration: If a dwelling is unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with state law. Whenever any rental dwelling or rental dwelling unit is found to be hazardous or unfit for human habitation, it shall be posted by the Chief Building Official or designee on the door of the rental dwelling or rental dwelling unit, whichever the case may be, to prevent further occupancy. No person, other than the Chief Building Official or designee, shall remove or alter any posting. The Chief Building Official or designee will post the date the rental dwelling or rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling or rental dwelling unit until the Chief Building Official or City Council permits it.

97.15 VIOLATIONS. In addition to any other sanctions or administrative penalties imposed, any violation of this Chapter shall constitute a misdemeanor offense, punishable as defined by State law. Each day of violation constitutes a separate offense.

97.16 NO WARRANTY BY THE CITY. By enacting and undertaking to enforce this Chapter, neither the City nor its Council, agents or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling or rental dwelling unit in the City. Licensees and occupants should take appropriate steps to protect their interests, health, safety and welfare.

97.17 RENTAL CODE. This Ordinance shall be known as the City of Milaca Rental Code.

97.18 SEVERABILITY. Every section, provision or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

97.19 EFFECTIVE DATE. This Ordinance shall be effective immediately upon its passage and publication, except as follows:

A. Existing rental properties (those operating as such on the Effective Date) will be required to apply for a Rental License by March 1, 2018, and obtain a license by March 31, 2018; and

B. Dwelling units already constructed, or having obtained a building permit, but not used as a rental property on the Effective Date, are exempt from requirements of 97.04, Subd. 2(h) for any license obtained within ninety (90) days from the Effective Date.

Chapter 98 – Crime Free Rental Housing Program Certification

98.01 Background: The Crime Free Rental Housing Program (Program) is a certification program for rental properties of all sizes, including single-family rental homes and multi-housing buildings. The Program is based on the program developed by the International Crime Free Association (ICFA) and is administered by the Milaca Police Department.

98.02 Findings: The City Council finds that preventing crime in rental properties requires additional training, inspections and enforcement that is unique to rental properties, and different than crime prevention in commercial and industrial properties. The City Council further finds that Crime Free Housing has been demonstrated to have been successful in preventing criminal activity in rental housing.

98.03 Definitions: The meanings provided in Chapter 97.02 shall apply to words and phrases used in this section.

98.04 Certification: At least one operator of each rental property shall obtain Program certification by participating in a Program administered by the Milaca Police Department, or by participating in a Program administered by any other Minnesota law enforcement agency certified by the ICFA and approved by the City Council.

98.05 Program Specifications: Any Program, whether administered by Milaca Police Department or any other law enforcement agency shall include the following:

A. Attendance at and successful completion of a management training component which shall require demonstration of an understanding of each of the following subject matter:

1. The Program and Ordinance;
2. Rental applications and housing discrimination;
3. Screening and background checks;
4. Lease and lease addendums;
5. Unlawful detainer and eviction;
6. Manager/Owner policies and roles;
7. Data privacy;
8. Narcotics and gangs;
9. Section 8 housing;
10. Rental licensing,

B. Compliance with environmental crime prevention requirements for all rental properties operated by that owner or property manager. Compliance shall be indicated by completion of the following requirements:

1. Single cylinder deadbolt locks installed in each entry door for each dwelling unit;
2. High security strike plate with 3-inch screws installed on each entry door for each dwelling unit;
3. Door viewer - 180 degree peephole installed in primary entry door for each dwelling unit;
4. Anti-lift/slide device installed on all windows and sliding glass doors;
5. Security lighting adequate to illuminate exterior grounds;
6. Landscaping in a manner that provides for visual sight lines;
7. Visible address numbering installed;
8. Compliance with all Fire Code and Building Code requirements.

C. At least once every 12 months, the operator shall make available, in cooperation with the Milaca Police Department, training for tenants in respect to the following subject areas.

1. The Program together with the concept of partnerships and sharing responsibilities;
2. Crime concerns and prevention awareness techniques;
3. Application of Neighborhood Watch program/principles.

D. Include, implement, and enforce, as part of all written leases, the Lease addendum for Crime-Free/Drug-Free Housing provided by the City.

E. Attend annual retraining sessions and maintain compliance with all Program components.

F. Non-owner operators who add additional properties for which they are responsible following the successful completion of the Program must bring those properties into compliance within one year from the date of acquisition or assumption of management responsibilities.

98.06 Decertification: Operators who do not maintain compliance with the certification requirements will lose their certification:

A. Prior to decertification, an operator shall appear before the City Council to review compliance with the Program requirements. If the City Council finds the operator has not maintained compliance with the certification requirements, the City Council may either (1) decertify the owner or property manager, or (2) order full compliance within no more than ninety (90) days.

B. An operator who is decertified shall not be eligible to reapply for Program certification for a period of two (2) years following the date of decertification. This prohibition may be waived by the City Council after finding extenuating circumstances related to the decertification and a likelihood that the operator will remain certified as required by Chapter 97.

98.07 Fees: Fees for participation in this Program shall be determined by the City Council by resolution, as amended from time to time.

Ordinance 413
TITLE IX: GENERAL REGULATIONS
Chapter 99 Fire Code

99.01 Fire Code Adopted: The Minnesota State Fire Code, 2015 Edition , is hereby adopted and is made a part of this Ordinance.

99.02 Open Flame: No person shall kindle, maintain, or cause any fire, open flame, or burning charcoal on any rental property balcony or rental property garage, or on the ground within fifteen (15) feet of the perimeter of any rental property building or rental property garage. Charcoal must be stored in an enclosed airtight metal container with tight fitting lids to prevent spontaneous combustion.

99.03 Fire Department Lock Box(es) and Building Entry Keys: Pursuant to Section 506 of the MN State Fire Code, 2015 Edition, all residential rental properties shall have at least one Fire Department key box, as approved by the fire code official or Fire Chief. Owners are required to purchase, install, maintain and provide keys for the entry into each structure. Newly constructed buildings shall have an approved key box installed and keys secured to the Fire Department prior to issuance of the Certificate of Occupancy. Residential rental properties with fewer than four units, in which the dwelling unit is accessed directly and not through a secured common area, shall not be required to provide a Fire Department key box.

99.04 Fire Code: This Ordinance shall be known as the City of Milaca Fire Code.

99.05 Penalty: A violation of this section shall be a misdemeanor and subject to the maximum penalty permitted by law. Each day of violation, and each individual violation, shall constitute a separate offense.

99.06 Severability: Every section, provision or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

99.04 Effective Date: Chapter 99 shall be effective upon adoption and publication.

**LICENSING OF RENTAL PROPERTY
FEE SCHEDULE**

Below is a list of fees related to licensing of a rental property and renewing a rental license in the City of Milaca.

<p>This is a property I am converting from owner occupied to a rental. If this property was not previously licensed as a rental property you must pay a one-time conversion fee. This fee includes the first year rental license fee, initial inspection fee and one re-inspection fee if needed. It does not include the 8 Hour "Crime Free Rental Housing Training" or the criminal background investigation fee.</p>	<p>\$200 + \$15/unit over 3 units</p>
--	---

<p>I have purchased a rental property in Milaca that is currently licensed by someone else and wish to continue to operate that property as a rental business. Rental licenses for a property are not transferrable to a new owner. The new owner must pay the license and inspection fees to obtain a new Rental Property License. All properties are allowed one follow-up inspection at no additional cost. Any "no-shows" or additional inspections will be charged a re-inspection fee of \$75. It does not include the 8 Hour "Crime Free Rental Housing Training" or the criminal background investigation fee.</p>	<p>\$100/bldg + \$50 inspection fee + \$15/unit over 3 units</p>
---	--

<p>I am renewing an existing rental license and it is not an inspection year. There has not been a change in ownership, and the property is not due for a rental property inspection by the City of Milaca Building Official</p>	<p>\$100</p>
---	--------------

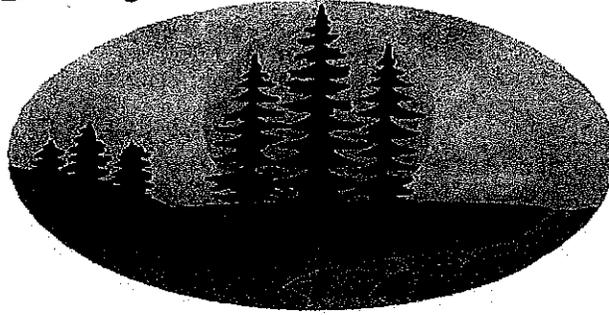
<p>I am renewing an existing rental licensed and it is an inspection year. There has not been a change in ownership and the property is due for a rental property inspection by the City of Milaca</p>	<p>\$100/bldg + \$50 inspection fee + \$15/unit over 3 units</p>
---	--

<p>Neither I nor my manager (if applicable) have ever completed an 8 Hour "Crime Free Rental Housing Training" Registration fee to attend a course offered by the City of Milaca Police Department. If the City of Milaca date does not work, attend the class offered in another city.</p>	<p>\$40</p>
--	-------------

<p>I have never possessed a Rental Property License for any property in the City of Milaca If this is the first time that you have licensed a rental property in the City of Milaca you must pay a one-time criminal background investigation fee.</p>	<p>\$40</p>
---	-------------

City of Milaca

255 First Street East
Milaca, MN 56353



320-983-3141
320-983-3142 (fax)

www.cityofmilaca.org

Rental Property Checklist

Completion of the rental license application is the first step toward obtaining licensure. After a completed application is received, you will be contacted by the city housing inspector. The housing inspector will arrange a property inspection with reasonable accommodations to be made to the scheduling needs of property owners and tenants. However, inspections must occur during regular business hours and the property owner or authorized agent shall be present during the property inspection. State law requires the owner notify tenants in advance of upcoming inspections.

As a guide, the following is a checklist of items inspected. And while it is impossible to list every potential violation of the housing code, this checklist contains violations commonly found during routine inspections. If there are items noted during the inspection that are not in compliance with the housing code or city ordinances, they must be corrected prior to the issuance of a license. The inspector will identify those items and schedule a re-inspection as needed. The initial inspection fee includes on follow-up inspection if needed. The property owner will be charged \$50.00 each for any additional inspections necessary.

Please be aware that building permits are required for most alterations and must be obtained prior to work being done. If you have a specific situation or concern, please contact the City Building Dept. at 320-983-3141.

Inspection Checklist

EXTERIOR

- Are street numbers visible from the road
- Soffit and fascia in good repair
- Is siding and paint in good condition
- Siding is weather tight and intact
- Is foundation structurally sound and free from holes or gaps
- Are the steps, decks and landings in good condition and safe to use

- Are handrails and guardrails in place and to code
- What is the general condition of the roof, is it free of leaks, structurally sound, no loose or missing shingles
- Existing gutters and downspouts free of debris and properly attached and drains away from structure
- Chimney has proper tuck-pointing/ mortar in good repair and flue liner in good repair
- Garages/sheds in good repair and structurally sound, not open to trespass, exterior surfaces weather-protected
- Fences well-maintained and wood surfaces weather-protected
- Are green areas cut, trimmed and free of noxious weeds
- Proper grading and ground cover
- No litter, car parts, yard waste, construction waste or other miscellaneous debris
- Firewood neatly stacked and properly stored, compost is properly contained
- No abandoned, unlicensed or inoperable vehicles. Vehicle repair is prohibited (except minor repairs to occupant-owned vehicles)
- Are electrical service wires in good repair and not hanging below 10 above grade

INTERIOR

Windows

- No broken/cracked glass
- Easily openable and remains open without the use of a prop
- Openable window must have screens in good repair (no rip, tears or holes)
- Must be weathertight
- Window frame and sashes must be free of cracked, chipped, peeling, chalking or flaking paint and caulk
- All windows within 12 feet of ground must have operable latching hardware

Surface Coverings

- All walls and ceilings free from peeling paint, wall paper, loose plaster, free of holes
- Walls, Ceilings and Floors free from water damage
- Floor coverings in good condition (no torn carpet or unsecured carpet)

Hallway/Stairs

- All exits to the building must be unobstructed at all times. No storage allowed in the stairwells, corridors or in front of doors
- Handrails/guardrails securely attached
- Continuous guardrail required on open side of landings/stairways 30 inches or more above grade
- Graspable handrails installed
- A second means of exiting must be provided from the second floor when the occupancy load exceeds 10 (2000sq ft.). Third floors and above must always have a means of exiting to the outside

Doors

- Fits frame and closes and latches securely
- Proper working hardware
- Weathertight and rodent proof

- Storm/screen doors are maintained in good condition with functioning closures
- All apartment doors have single cylinder deadbolt locks
- In a multi-family apartment – do the fire doors self-close to latching
- In older homes – are the skeleton key locks removed or disabled (on all doors throughout the house)

Lockboxes

- Approved fire department lock box installed
- Are the lock box keys secured to the Milaca Fire Department (residential rental properties with fewer than four units, in which the dwelling unit is accessed directly and not through a secured common area, shall not be required to provide a fire department lock box)

Bedrooms

- Proper egress window or door open to the outside is required
- Floor space shall be no less than 70 square feet with a seven foot minimum width
- Minimum ceiling height of seven feet
- Proper light and ventilation
- Minimum of two duplex electrical outlets or one duplex outlet and one switched overhead light fixture required per sleeping room
- Smoke detector inside and outside of each bedroom installed correctly

Kitchen

- Cabinets and counters must be in good repair
- Hot (120 degrees) and cold running water with adequate pressure
- No loose or dripping faucets
- Drains must function properly, free of obstructions
- Appliances must be in working condition
- Appliances are plugged directly into outlets without use of extension cords or adapters
- Gas appliances must be connected properly with approved fittings/connectors
- Is there adequate outlets and circuits (at least one outlet over every counter surface, and GFI protection within 6 feet of the sink)

Livingroom

- At least one outlet on each wall, two on walls over 14 feet in length
- Update pull chain lights to wall switch controlled
- Ceiling height a minimum of seven feet

Bathroom

- Toilet properly installed with all components intact and properly secured, maintained and functioning
- Sink and tub/shower properly installed and maintained in good repair with caulking intact
- Faucets must have a minimum one inch gap above the spill line
- Must have an operable vent fan to the outside or an operable window
- Light fixture required

- GFI outlet present and working
- Door closes and latches to provide privacy
- Are the tiles or tub enclosure in good shape
- Is the floor covering impervious to water
- No loose or leaking faucets
- Hot and cold running water with adequate pressure required to each fixture

Basements

- Stairs safe? No broken treads, loose runners, even size treads and heights
- Handrails in place and to code
- Guardrails in place and to code (if needed)
- Plumbing leaks? Pipes supported properly
- Check the water heater for a pressure relieve valve and metal drip leg. Are the cold water supply and gas shut off valves functioning? Is the vent installed properly
- Does the hot water heater supply adequate water at a minimum of 120 degrees Fahrenheit and a maximum of 130 degree Fahrenheit
- Dryer vent installed to the outside and made of metal
- Washer properly hooked up and drained
- Date of last service to the furnace and filter reasonable clean
- Check the clearances on the flues (6 inches normal minimum)
- Gas lines and shut off valves in good condition
- Smoke detectors working
- Sleeping in basement is prohibited except as permitted by code
- Are the basement wall wet or damp, is there evidence of mold
- Please note that in older homes, it may pay to have a plumbing contractor evaluate the plumbing system to determine if it is safe and in adequate condition
- Openings in the furnace, venting and chimney which allow exhaust fumes to escape into the household environment are very serious. Exhaust leaks are difficult to detect by the inspector. The inspector may require a licensed contractor to certify the equipment

Plumbing

- Faucets must have a minimum one inch gap above spill line
- All plumbing must be installed and maintained to code
- Gas flex connectors must be UL listed and approved
- Hot and cold running water with adequate pressure required to each fixture
- Waste lines must be properly installed and vented, "S" traps are not allowed, no flexible waste lines
- ABS (black) and PVC (white) cannot be glued together
- Hand held showers must have backflow prevention
- No leaking faucets or pipes
- Unused gas & plumbing lines and vents must be capped
- Are cleanout covers loose or missing
- All pipes must be free from defects and obstructions, and properly secured

Electrical

- Cover plates required on all outlets, switches and junction boxes
- New electrical wiring has to be done under a permit and by a licensed electrical contractor
- Switched light fixtures are required in kitchens and bathrooms. Pull chains as the only light source is prohibited in bedrooms
- Fuses properly sized
- Bare, exposed, obsolete or worn wiring; splices or fixtures installed without a junction box will not be permitted
- Cover plates on the panel box must identify all circuits
- 36 inches of clearance in front of panel
- Incandescent light bulbs must have a 12 inch clearance to combustibles
- Use of extension cords in place of permanent wiring is not permitted
- Are the outlets wired properly (improper polarity, neutral connected)
- Many other conditions require electrical repairs or upgrades. Please contact a licensed electrician to evaluate the electrical system to determine if it is in safe and adequate condition

Mechanical

- Heating facility must be properly installed and maintained
- Maintain interior temperature of 68 degrees from October to May
- Temporary portable heating devices shall not be used
- Fuel burning facility must be connected to an approved chimney, flue or vent
- A safety check of heating facilities over 10 years old is required every two years

Fire Protection General

- Storage of paint, paper, boxes, rags or other combustible/flammable material not allowed within 10 feet of gas-fired appliances (furnaces, water heaters, etc.)
- Path of egress shall not be blocked by debris, storage, trash, snow, ice or other obstruction
- Third floor units require continuous, graspable handrails
- Building with three or more units require fire extinguishers
- If multiple units of a three unit or greater building lead into a common area, doors leading from the units shall be fire rated doors with closers

Fire Protection Smoke Detectors

- All smoke detectors shall be installed to code and manufacture's requirements with working batteries and functional connections
- Locate at least one smoke detector in each bedroom and within 10 feet of bedroom doors and on each level, not including crawl spaces and uninhabitable attics
- Any smoke detector located within 20 feet of a cooking appliance must be equipped with a silencing switch or be photoelectric

Carbon Monoxide Detectors

- All carbon monoxide detectors shall be installed to code and to manufacture's requirements with working batteries and function connection
- Locate carbon monoxide detectors within 10 feet of sleeping rooms and one on every level

Fire Systems/ Equipment

- Automatic detection fire alarm systems are required for apartment buildings of 15 or more units or three stories above grade
- Fire alarm tests must be done yearly by a qualified contractor
- Sprinkler systems, standpipes, fire pumps, and other fire protection systems must be tested in accordance with their respective standards by qualified personnel and documented
- Fire extinguishers - A 2A10BC fire extinguisher must be available in the hall within 50 feet of any apartment door on the same level or a 1A10BC fire extinguisher in each apartment, Laundry rooms and furnace/boiler rooms require 2A10BC extinguishers

Other

- Does each room (particularly bedrooms and bathrooms) have adequate heat?
- Portable heaters are not permitted
- Are there too many people living in the unit? There must be 50 square feet of area in a bedroom per person (including babies) if there are more than two in a room
- Every apartment must have at least one room with 120 square feet of area
- Are there adequate containers for the disposal of trash
- Rental license certificate – for dwellings containing four or more dwelling units, the rental license certificate must be displayed in the lobby or other common area visible accessible to all tenants. The license certificate must be incased in a frame with a clear glass or plastic surface. For dwellings with less than four units, a copy of the license certificate must be displayed at or near the front of the electrical panel of the dwelling and shall be reasonably protected from wear by a plastic cover or similar protective device.
- Proof of Crime Free Rental Housing Program Certification
- Cellars/crawl spaces shall not be used as habitable space
- Basements and attics must meet all permit construction requirements for light, ventilation, egress, etc. prior to being used as habitable space
- Dwellings must be mice and rodent free

Permit Requirements

- Electrical permits are required for all work other than minor maintenance issues. Electrical contractors are required to perform all work in the rental property. Contact the MN State Electrical Inspector, Tim Emery, at 320-692-4104 office hours 7:00am-8:30am Mon-Fri.
- Plumbing permits are required for all work other than minor maintenance issues. A licensed plumbing contractor are required to perform all work on rental property
- Mechanical (heating and cooling) permits are required for all work other than routine maintenance on these systems. Mechanical contractors are required to perform all work in a rental property
- Building permits are required for just about anything beyond decorating. Most permits will only be issued to a licensed contractor or for the property owner
- Rental license must be current with fees paid and up to date contact information before a permit can be issued
- Plumbing, Mechanical and Building permits may be applied for at the City of Milaca offices, 320-983-3141

Marshall Lind

From: Damien Toven <dtovendfvvlaw@yahoo.com>
Sent: Monday, September 11, 2017 3:59 PM
To: Marshall Lind
Subject: Re: Rental Ordinance

I went through again. I see no issues of substance. It looks great.

Only 1 typo I saw (97.03) you need to correct the word "adopted" in the title.

I say it is good to go.

Damien F. Toven
Dove Fretland, PLLP
413 S. Rum River Dr., Suite 6
Princeton, MN 55371
Phone: (763) 389-2214
Fax: (763) 389-5506

CONFIDENTIALITY NOTICE:

INFORMATION IN THIS MESSAGE, INCLUDING ANY ATTACHMENTS, IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECEIPT(S) NAMED ABOVE. This message may be an Attorney-Client communication, and as such is privileged and confidential. If you are not an intended recipient of this message, or an agent responsible for delivering it to an intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender immediately, delete the message, and return any hard copy print-outs. No legal advice is being provided or implied via this communication unless you are (1) a client of Dove Fretland and (2) an intended recipient of this message.

From: Marshall Lind <mlind@milacacity.com>
To: Damien Toven <dtovendfvvlaw@yahoo.com>
Sent: Monday, September 11, 2017 11:18 AM
Subject: RE: Rental Ordinance

OK, I'll wait to hear from you.

Marshall

From: Damien Toven [mailto:dtovendfvvlaw@yahoo.com]
Sent: Monday, September 11, 2017 11:18 AM
To: Marshall Lind
Subject: Re: Rental Ordinance

OK. I didn't see anything major but I want to go through it again today.

MEMO

September 25, 2017

To: Planning Commission
From: Marshall Lind
Zoning Administrator

RE: The Old Coin-Tainer Property, 210 8th St. NE Milaca, MN 56353

The City Manager and the Economic Development Committee has asked that the planning commission review the site of the old Coin-Tainer property. I have sent Mr. Walters, the owner, a letter stating that the Planning Commission will be reviewing his property and invited him to the meeting or to let Planning Commission know what he is planning for the site.

In the letter I stated that the property is in violation of City Ordinance 156.111 which states:

Materials from the demolition of structures in the city shall not be buried in the city. The foundation walls and foundations must be removed from the site of demolished buildings.

The City Manager and EDC would like the Planning Commission to make a recommendation to City Council on what the City should do about the property.

Respectfully,

Marshall Lind

Marshall Lind
Zoning Administrator