

CHAPTER 119 OF THE CITY CODE, RENTAL REGISTRATION, LICENSING AND INSPECTIONS

THE CITY COUNCIL OF THE CITY OF SAUK CENTRE DOES HEREBY ORDAINS:

CHAPTER 119

RENTAL REGISTRATION AND INPSECTIONS

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GENERAL PROVISIONS

§ 119.001 PURPOSE.

The city recognizes a need to ensure that housing units meet minimum safety and health standards; to provide a system for ensuring that both absentee and local landlords correct deficiencies and properly maintain rental property within the city; to provide a system of organized inspection of residential rental units in the city; and to develop a system to monitor orderly occupancy of residential rental units.

§ 119.002 DEFINITIONS.

(A) Whenever the words **DWELLING**, **DWELLING UNIT** or **PREMISES** are used in this chapter, they shall be construed as though followed by the words “or any part thereof.”

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

BASEMENT. A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR. A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING. Any building, including a manufactured home, which is wholly or partially used or intended to be used for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a **DWELLING**.

DWELLING UNIT. Any building, room, or group of rooms, including a manufactured home, located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by human occupants.

EXTERMINATION. 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, or trapping; or by any other recognized and legal pest elimination methods approved by the city.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for the purposes of living or sleeping, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces. A room or enclosed floor space used or intended to be used for the purposes of cooking or eating shall be considered as a room or space being used or intended to be used for the purpose of living under this definition.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents, or other pests.

INSPECTOR. Police Chief, City Administrator, and other persons designated by the City Administrator.

MULTIPLE DWELLING. Any dwelling containing 2 or more dwelling units.

OCCUPANT. Any person over 1 year of age, living, sleeping, cooking or eating in or having actual

possession of a dwelling unit.

OPERATOR. Any person who has charge, care, or control of a building or part thereof in which dwelling units are let.

ORDINARY MINIMUM WINTER CONDITIONS. The temperature 15°F above the lowest recorded temperature for the previous 10-year period.

OWNER. Any person who alone, jointly, or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such persons thus representing the actual owner shall be bound to comply with the provisions of this section and of any rules and regulations adopted pursuant thereto, to the same extent as if they were the **OWNER**.

PLUMBING. Any of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

RENTAL. The leasing of a rental unit to a non-owner for a fixed or non-fixed period of time and shall include **LEASE TO BUY, CONTRACT FOR DEED, INSTALLMENT SALES, PURCHASES** whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure and other similar procedures.

RENTAL UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit.

RUBBISH. Combustible and noncombustible waste materials except garbage, and the term shall include, but not be limited to the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

SUPPLIED. Paid for, furnished, or provided by or under the control of the owner or operator.

TEMPORARY HOUSING. Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

§ 119.003 DESIGNATION OF UNFIT DWELLINGS AND CONDEMNATION.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

(A) *Placarding condemned dwellings.* Any dwelling or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Inspector or Building Official.

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

(B) *Vacating condemned dwellings.* Any dwelling or dwelling unit condemned as unfit for human

habitation and so designated and placarded shall be vacated immediately or at such future time as the inspector may order.

(C) *Reuse of condemned dwellings.* No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the city. The city shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(D) *Defacing or removing placard.* No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in division (C).

(E) *Hearing.* Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the City Council under the procedures set forth in this chapter.

§ 119.004 HIGHER STANDARDS TO PREVAIL.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

MINIMUM STANDARDS

§ 119.015 BASIC EQUIPMENT AND FACILITIES.

No person shall occupy as owner/occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(A) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.

(B) *Toilets.* Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system.

(C) *Bath.* Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system.

(D) *Water.* Every kitchen sink, lavatory basin, bathtub, shower, and laundry facilities required under the provisions of this chapter shall be properly connected with both hot and cold water lines in good working order.

(E) *Rubbish and garbage.* Every dwelling unit shall have adequate disposal facilities or storage containers for rubbish, garbage, and recyclables in accordance with the requirements of applicable city ordinances. Rubbish and garbage shall be regularly disposed of at least every 2 weeks.

(F) *Smoke detector.* Smoke detectors shall be installed in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and un-inhabitable attics.

(G) *Hot water.* Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with hot water lines required under the provisions of this chapter. The water-heating facility must be capable of heating water to a temperature of 120°F to permit an adequate amount of water to be drawn at every required

kitchen sink, lavatory basin, bathtub, or shower. Such supplied water-heating facilities shall be capable of meeting the requirements of this chapter when the dwelling or dwelling unit heating facilities required are not in operation.

(H) *Exits.*

(1) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of this state. Within the dwelling units, a minimum two (2) foot wide path shall be maintained to all points of egress (e.g. front/main door and egress windows in bedrooms). Common areas in multi-family structures (shared hallways, stairs and other common paths of travel) shall be clear of storage of items for the full width of the means of egress system.

(2) No basement or cellar area or room may be tenant occupied for sleeping purposes unless a properly sized and installed second emergency exit is present and approved.

(I) Carbon Monoxide Alarms. Each dwelling unit shall have an approved and operational carbon monoxide alarm installed with ten (10) feet of all bedrooms as required by Minnesota Statutes, section 299F.50 and 299F.51, as amended, unless an exception provided in said statute applies

(J) Fire Extinguishers. All dwelling units shall be equipped with a fire extinguisher with a minimum rating of 2A-10BC (capacity equivalent to 2.5 gallons of water and 10 sq. ft. for a BC type fire). The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within fifty (50) feet of the dwelling unit door.

§ 119.016 LIGHT, VENTILATION, AND HEAT.

No person shall occupy as owner/occupant, or let to another for occupancy, any dwelling or dwelling units for the purposes of living therein, which does not comply with the following requirements:

(A) *Emergency exit.* Every habitable room used for sleeping purposes shall have a secondary method of egress that is duly accessible and meets all requirements of the Minnesota State Building and Fire Code for the licensure of a rental property. Any lower-level egress window well that is more than 44" deep shall be equipped with an escape ladder.

Once a rental property is in compliance with current Minnesota State Code standards and a rental license has been issued, and the license has not lapsed or been revoked, the size of the egress windows will be considered grandfathered until the window is replaced, if changes have been made to the current Minnesota State Building Code in the interim. If a rental license has lapsed or been revoked the rental property must be brought to current Minnesota State Building Code standards prior to the re-licensure of the property.

(B) *Ventilation.* Every habitable room shall have at least 1 window or skylight which can easily be opened or such other means to adequately ventilate the room as approved by Minnesota State Building Code. Room ventilation means that were legal under existing codes when built shall not be violations but must be upgraded to the Minnesota State Building Code in effect when changed or repaired.

(C) *Bathroom light and ventilation.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in this section except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with ventilation. Room ventilation means that were legal under existing codes when built shall not be violations, however, if indications of mold or mildew exist, the unit must be upgraded to comply with the Minnesota State Building Code regarding adequate ventilation.

(D) *Electric outlets.* Every habitable room of such dwelling shall contain at least 2 separate electric convenience outlets or 1 such convenience outlet and 1 supplied ceiling type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least 1 supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source

of electric power in a safe manner. Every dwelling unit must have access to the fuse or circuit boxes serving that unit for safety purposes. Kitchen, bath and u-1 occupancies must be protected by outlets in a manner complying with the State Electrical Code applicable now or at the time such outlets were installed. Outlets to be upgraded to the State Electrical Code currently in effect when changed or repaired.

(E) *Heating facilities.* Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F, at a distance of 3 feet above floor level, under ordinary minimum winter conditions.

(F) *Lighting halls and stairways.* Every hallway and stairway in every multiple dwelling containing 4 or more dwelling units shall be adequately lighted at all times. Every hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than 3 dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(G) *Screens.* During that portion of each year when it is necessary for protection against mosquitoes, flies, and other insects, every window opening from a dwelling unit required for ventilation shall have supplied screens.

(H) *Rodent protection.* Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

§ 119.017 MAINTENANCE REQUIREMENTS.

No person shall occupy as owner/occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(A) *Foundation, floor, wall, ceiling, and roof.* Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight, and rodent proof, shall be capable of affording privacy, and shall be kept in good repair.

(B) *Exterior opening.* Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent proof and shall be kept in sound working condition and good repair.

(C) *Stairs and porches.* Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Properly installed and maintained handrails are required on all stairs with 3 risers or more. Guardrails shall be present to prevent any opening from being over 4 inches on all porches, balconies, stairs, or landings which are higher than 30 inches off the ground. Guardrails may not be less than 36 inches in height.

(D) *Plumbing fixtures.* Every plumbing fixture and water waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(E) *Floor surfaces.* Every water closet compartment floor surface, bathroom floor surface, kitchen floor surface, and kitchen counter surfaces shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities.* Every supplied facility, piece of equipment, or utility which is required under this section shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Continuous service of facilities.* No owner, operator, or occupant shall cause any service, facility equipment, or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by the owner, operator, or occupant, except for

such temporary interruption as may be necessary while actual repairs or alterations are in process.

(H) *Fitness for occupancy.* No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.

§ 119.018 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(A) *Living space.* Every dwelling unit shall contain for use as living space at least 150 square feet of floor space of habitable room floor space for the first occupant thereof and at least 100 additional square feet of habitable room floor space for every additional occupant thereof. Sleeping space to be contained within a dwelling unit shall be a separate requirement in accordance within this section and shall not be counted in the calculation of living space to be contained in the unit under this section

(B) *Sleeping space.* In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by 1 occupant shall contain at least 70 square feet of habitable room floor space, and every room occupied for sleeping purposes by more than 1 occupant shall contain at least 40 square feet of habitable room floor space for each occupant thereof.

(C) *Ceiling height.* The floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(D) *Basements.* No basement space shall be used as a habitable room or dwelling unit unless:

(1) It shall comply with this chapter.

(2) The floor and walls must be constructed so as to reasonably prevent leakage of underground and surface runoff water. Proper drainage must be provided away from the building, and floors and walls must be protected against dampness.

(E) *Headcount Standard.* Total number of occupants in the rental dwelling may not exceed two times the number of legal bedrooms plus one.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

§ 119.030 PUBLIC AREAS.

Every owner of a dwelling containing 2 or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

§ 119.031 CLEANLINESS.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which the occupant controls.

§ 119.032 RUBBISH.

Every occupant of a dwelling or dwelling unit shall dispose of all rubbish in a clean and sanitary manner by placing it in the rubbish or recycling containers as required by city ordinance.

§ 119.033 GARBAGE.

Every occupant of a dwelling or dwelling unit shall dispose of all garbage and any other organic waste

which might provide food for rodents in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by this chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing 4 or more dwelling units and for all dwelling units located on premises where more than 4 dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers.

§ 119.034 EXTERMINATION OF PESTS.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than 1 dwelling unit shall be responsible for such extermination whenever the dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in 2 or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing 2 or more dwelling units, extermination thereof shall be the responsibility of the owner.

§ 119.035 PLUMBING FIXTURES.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

REGISTRATION AND LICENSING OF RENTAL UNITS

§ 119.050 REGISTRATION REQUIRED; EXEMPTIONS.

(A) No rental unit shall be rented until it has been registered and licensed in accordance with the provisions of this subchapter.

(B) This subchapter shall not apply to hospital units, nursing home units, retirement home units, nor other similar units which are owned or operated by an agency or local unit of government.

§ 119.051 REGISTRATION REQUIREMENTS.

No person shall hereafter occupy, allow to be occupied, or let to another person for occupancy any rental unit within the city for which a rental unit registration has not been issued by the city. An application for registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

(A) Name, address, and phone number of the property owner.

(B) The street address of the rental property. The PID# of the rental property.

(C) The number of units within the rental property.

(D) The name, phone number, and address of the person authorized to make or order repairs or services made to the property, if in violation of any applicable city or state codes, if the person is different than the owner or local administrator.

(E) An Inspection Report by a City of Sauk Centre Certified Rental Inspector or a Board and Lodging Permit issued by another governmental agency.

§ 119.052 MANNER OF REGISTRATION RENEWAL.

Registration Licensing shall be required every year commencing upon adoption and publication of this chapter with an inspection required biannually. However, all licenses may be reviewed at any time by the compliance official after the commencement of the license term to determine whether the rental dwelling continues to be in compliance with this chapter.

Thirty days prior to the required renewal date the city shall mail renewal forms to the property owner or designated local administrator. Forms may be returned by mail at the property owner or designated local administrator's risk to the City of Sauk Centre, 320 Oak St. S., Sauk Centre, MN 56378.

§ 119.053 TRANSFER OF PROPERTY.

Every owner of a rental unit (whether as fee owner or contract purchaser) shall be required to furnish to the city the new owner's name, address, and phone number before taking possession of the rental property upon closing of the transaction. A license transfer fee shall be paid prior to issuance of the transferred license provided that the previous owner has paid all registration fees and has complied with all requirements of this subchapter and any violations of zoning, fire, or other safety codes of the city. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

§ 119.054 FEES.

License fees, as set forth by City Council Resolution shall be due fourteen (14) days prior to the license expiration date; in the case of new unlicensed units, license fees shall be due at time of application. Fees are nonrefundable. A delinquency penalty of fifteen percent (15%) of the amount of the license fee may be charged to the operators of the dwelling unit when fees are not paid on time.

§ 119.055 MAINTENANCE OF RECORDS.

All records, files, and documents pertaining to the rental registration and rental unit inspection program shall be maintained by the city and/or its contractor and made available to the public as allowed or required by state law.

§ 119.056 MAINTENANCE STANDARDS.

Every rental unit shall be maintained in accordance with the requirements and standards of all applicable city and state ordinances, laws, rules, and regulations.

§ 119.057 FAILURE TO GRANT REGISTRATION; REVOCATION, SUSPENSION, OR FAILURE TO RENEW REGISTRATION.

(A) The city reserves the right not to register and license a unit unless the rental unit or units for which registration is sought complies with the requirements of this chapter.

(B) Any registration issued under this section is subject to the right, which is hereby expressly reserved by the city, to suspend, revoke, or fail to renew the same should the registration holder or their agents, employees, representatives, or lessees directly or indirectly operate or maintain the rental

dwelling contrary to the provisions of this chapter, any ordinance of the city, of any special permit issued by the city, or the laws of the state. Provided, however, registration shall not be suspended, revoked, or failed to be renewed if the registration holder complies with a compliance order or orders in a timely manner.

(C) The city may revoke, suspend, decline to renew or impose reasonable conditions or restrictions upon any license issued under this chapter upon any of the following criteria:

(1) False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this chapter to be given by the applicant or licensee.

(2) Failure to pay any fee, fine, or penalty, special assessments, real estate taxes, or other financial claims due to the city as required by this chapter.

(3) Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other city codes; or failure to correct deficiencies noted in an official order in the time specified in the order.

(4) Failure to eliminate imminent health and life safety hazards as determined by the city compliance official after issuance of the compliance order.

(5) The abandonment of the licensed premises by the owner as determined by the inability to make contact with the owner or his/her agent due to inaccurate contact information.

(6) Failure to operate or maintain the licensed premises in conformity with all applicable federal, state and local laws, rules regulations, and ordinances.

(7) Failure to timely respond to official requests for inspections and/or repeated cancellation or no-shows for scheduled inspection appointments.

(D) Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license. Upon a decision to revoke, deny or not renew a license, no approval of any application for a new license for the same rental dwelling is effective until after the period of time specified in the city council's written decision which shall not exceed one year. Any person(s) who has had an interest in two (2) or more licensed properties that have been revoked, suspended or denied pursuant to this article, shall be ineligible to hold or have any interest in a rental dwelling license or provisional license for a period of three (3) years. The city council shall specify in its written decision the date when an application for a new license will be accepted.

(E) The City Administrator or his or her designee shall notify, in writing, the applicant that his or her registration has been denied or the registration holder that his or her registration is being suspended, removed, or nonrenewed. The suspension, revocation, or nonrenewal shall occur 35 days after the date of the order or at such later date as set out in the order. The notice shall be served by mailing a copy of the order to the property owner and the designated local property administrator, if any, as indicated in the records on file with the city.

(F) The registration holder or designated local administrator shall have the right to request a hearing before the City Council by filing a written appeal from the order at the office of the City Administrator as set forth in this chapter.

(G) The decision of the City Council may be appealed by the registration holder by filing an appeal or an appropriate writ with the District Court within 15 days of the date of the order of the City Council.

§ 119.070 AUTHORITY TO CONDEMN OR CLOSE OFF RENTALS.

(A) When the conduct of any registration holder or their agent, representative, employee, or lessee is detrimental to the public health, sanitation, safety, and general welfare of the community at large or residents of the rental units so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and, thus, give rise to an emergency, the Police Chief, City Administrator, or such other person designated by the City Administrator shall have the authority to summarily condemn or close off individual rental units or such areas of the rental dwelling as necessary in accordance with the procedures set forth in this chapter. Any person aggrieved by such decision or action may appeal the decision following the procedures set out herein.

(B) The decision of the Police Chief, City Administrator, Inspector or Building Official or such other person designated by the City Administrator, as set forth herein, shall not be voided by the filing of an appeal. Only after the hearing by the City Council has been held will such decision or action be affected.

§ 119.071 INSPECTIONS AND INVESTIGATIONS.

(A) The Police Chief, City Administrator, and such other person designated by the City Administrator are hereby authorized to make inspections reasonably necessary to the enforcement of this chapter.

(B) All persons authorized herein to inspect shall have the authority to enter, with a 24-hour notification to the landlord unless consent to enter is granted either from the landlord or the tenant, any dwelling, dwelling unit, rental dwelling or rental unit pursuant to the provisions of this chapter. Pursuant to Minnesota Statutes, section 504B.211, the owner or agent shall provide proper notification of an inspection to the tenants after receiving notice of the time and date of the inspection from the compliance official. Each tenant of a dwelling unit shall give the owner or agent access to any part of such dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter. If any owner, agent or tenant of a dwelling fails to provide the tenant with requisite notice of the inspection or otherwise refuses to permit entry to the dwelling unit under its control for an inspection required pursuant to this chapter, the inspector may seek a warrant authorizing such inspection. All city costs associated with obtaining such a warrant, including attorneys' fees shall be the responsibility of the property owner and a failure to reimburse the city for such costs 30 days following an invoice from city shall be considered a violation of this chapter and shall constitute grounds for adverse action against any license issued hereunder.

(C) Persons inspecting any dwelling, dwelling unit, rental dwelling, or rental unit as provided herein shall notify the owner of all violations, if any, by written notice. The notice shall direct that compliance be made within a reasonable time as specified by the compliance official from five days to no more than 60 days depending upon the severity of the violation. The compliance official based on good cause may extend this period. The dwelling, dwelling unit, rental dwelling, or rental unit shall be re-inspected upon completion of noted corrections.

§ 119.072 NOTICE OF VIOLATION.

A notice of violation shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon the owner personally or if the owner is served with such notice by any other method authorized or required under the laws of this state.

§ 119.073 HEARING.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant hereto may request and shall be granted a hearing on the matter before the City Council, provided that such person shall file with the city a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the date the notice was served upon the person. Upon receipt of such petition, the city shall set a time and place of such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced by the city within a reasonable time, not to exceed 30 days after the date on which the petition was filed, except that, upon request of the petitioner, a postponement of the date for hearing beyond the 30 days could be granted by the city for good cause shown.

§ 119.074 ORDER OF THE BOARD.

After such hearing, the City Council shall sustain, modify, or withdraw the notice depending upon its finding as to whether the provisions of this chapter and any rules and regulations adopted pursuant hereto have been complied with. If the City Council sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed with the city within 10 days after such notice is served. The decision of the City Council shall be final.

§ 119.075 RECORDS AT HEARING.

The proceedings at any hearing, including the findings and decision of the City Council, shall be summarized, reduced to writing, and entered as a matter of public record with the city. Such record shall also include a copy of every notice or order issued in connection with the matter.

§ 119.076 EMERGENCY ACTION.

Whenever the Police Chief, City Administrator, or other designated person finds that an emergency exists which requires immediate action to protect the public health, the city, Police Chief, City Administrator, or other designated person may, without notice or hearing, issue an order reciting the existence of such an emergency requiring that such action be taken as deemed necessary to meet the emergency and if deemed necessary, closing off all or a portion of a rental dwelling or rental unit until the emergency condition causing the emergency is corrected. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Notice of the emergency action shall be posted at the units or areas of the dwelling or dwelling units affected and shall be served upon the owner or agency as set forth herein. No person shall remove the posted notice other than the Police Chief, City Administrator, or other designated person. Any person to whom such order is directed shall immediately comply therewith, but upon petition to the city shall be afforded a hearing as soon as possible. After such hearing and depending upon whether compliance with the provisions of the section and of the rules and regulations adopted pursuant hereto is found, the city may continue such order in effect or modify or revoke it.

§ 119.077 FURTHER ACTIONS OR INJUNCTIVE RELIEF.

Nothing in this chapter shall prevent the city from taking affirmative action under any of its city fire, housing, zoning, or other health safety codes or any other state or federal statutes or laws for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of a particular ordinance or code under which the city would proceed against the property owner, designated property administrator, or occupant of any residential rental dwelling unit covered by these registration and inspection requirements. Nothing contained in this section shall prevent the city from seeking injunctive relief against a property owner or designated property administrator who fails to comply with the terms and conditions of this chapter on registration to obtain an order closing such rental units until violations of this particular section or other section of this chapter have been remedied by the property owner or designated property administrator.

§ 119.999 PENALTY.

(A) A person found to be in violation of this chapter is guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

(B) The city may also enforce this chapter administratively in the following manner:

(1) *First violation.* Violators shall pay an administrative penalty of up to \$250 and bring the dwelling, dwelling unit, or premises into compliance as required under this chapter within 30 days or such other time period as may be designated under this chapter.

(2) *Second violation.* Violators shall pay an administrative penalty of up to \$500 and bring the dwelling, dwelling unit, or premises into compliance as required under this chapter within 30 days or such other time period as may be designated under this chapter.

(3) *Third violation.* Violators shall pay an administrative penalty of up to \$1,000 and bring the dwelling, dwelling unit, or premises into compliance as required under this chapter within 30 days or such other time period as may be designated under this chapter, or suspension, revocation, or refusal to renew registration of a rental unit or such other provisions as set forth in this chapter.