

ARTICLE III. - RENTAL HOUSING

DIVISION 1. - GENERALLY

Secs. 14-76, 14-77. - Reserved.

Sec. 14-78. - Purpose and scope.

- (a) *Purpose.* The city recognizes the need for an organized, systematic inspection program of residential housing within the city to ensure rental housing meet city and state housing safety, health, fire, building, and zoning codes, and to provide a more effective system for compelling the correction of code violations and the proper maintenance of rental property within the city. Further, the most effective system to provide for rental inspections is the creation of a program requiring the licensing of all residential rental housing within the city to ensure properties meet applicable requirements and to facilitate an orderly inspection schedule. This rental licensing program is intended to protect and promote the health, safety, and general welfare of the entire community.
- (b) *Scope; application to existing rental properties.*
- (1) Except as otherwise specifically provided, the provisions of this article shall apply to all buildings or portions thereof used, designed, or intended to be let for human habitation.
 - (2) Exceptions. The provisions of this article do not apply to the following:
 - a. Homes for the aged.
 - b. Licensed in-home residential care facilities.
 - c. Hotels and Motels.
 - d. College owned dormitories.
 - e. Residential college-related facilities in a College Development Zone (CDZ).
 - f. Dwelling units which are occupied by the owner as the owner's primary residence and by one or more other persons who are not owners of the dwelling unit.
 - g. Private residences that are occupied by a person or persons related to the owner of the property, as defined herein.
 - h. Short-term rentals.
 - (3) Residential college-related facilities other than those located in a CDZ shall be subject to the provisions of this article, except as follows:
 - a. Residential college-related facilities, which came into existence before and were licensed prior to October 22, 2007, shall be allowed to maintain the occupancy numbers of the applicable facility as of October 22, 2007.
 - b. If any residential college-related facilities, which came into existence before October 22, 2007, and did not have rental licenses as of October 17, 2007, but licenses were applied for by November 22, 2007, such licenses shall continue to be granted regardless of the density limitations of section 14-97.

- (4) All rental properties are subject to the following:
- a. *Compliance required.* All rental properties shall comply with the requirements of this article, as it may be amended from time to time, within 90 days from the latest effective date of this article.
 - b. *Immediate action.* Nothing in this section shall prevent the building official, law enforcement officer, or other authorized city employee or agent from taking any immediate enforcement or corrective action allowed by this article in the event a condition exists which causes a risk of serious harm to the public health or safety.
 - (c) *Inconsistency with other regulations.* If any standard of this article is inconsistent with any other applicable state or federal law, rule, or regulation, the most stringent requirement shall apply. However, this article preempts any apparently inconsistent provisions of chapter 14 of this Code as they may pertain to rental properties.

Sec. 14-79. – Authority and responsibilities.

- (a) *Authority.* The building official is hereby authorized and directed to enforce or cause the enforcement of this article. For such purposes, the building official shall have the authority to: (1) issue administrative citations and orders to correct or impose civil penalties for violations of this article, or a combination thereof, as provided in Sections 3-20-3-28 of this Code; (2) work with local law enforcement officers and the Prosecuting Attorney to promote the detection, enforcement and prosecution of criminal violations of this article; and (3) to investigate and pursue all other civil remedies for violations of this article. Law enforcement officers shall have the authority to issue citations for criminal offenses under this article whether they occur on public or private property and may issue administrative citations by arrangement with and as a designee of the building official. The building official shall be advised of any citations issued by law enforcement officers. The building official shall have the power to render interpretations of this article. Such interpretations shall be in conformity with the intent and purpose of this article.
- (b) *Right of entry.* When it is necessary to make an inspection for purposes of this article, or when the building official has reasonable cause to believe there exists on a rental property a condition which is contrary to or in violation of this article, the building official or their designee may enter the rental property or any part thereof at reasonable times to inspect and otherwise perform the duties imposed by this article, provided that if such rental property is occupied, city credentials must be presented to the occupant and entry requested. If such rental property is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. No rental license shall be issued or renewed if the building official cannot obtain entry to make the inspection as required for the issuance or renewal of a license and any existing license shall be deemed suspended until entry is obtained and a satisfactory inspection is completed, unless the building official temporarily and in writing extends a license pending a satisfactory inspection for a period of time and for reasons acceptable to the building official.
- (c) *Violations.* Any violation of this article is a misdemeanor, an administrative offense subject to an administrative citation or civil penalties as provided in Sections 3-20-3-28 of this Code,

or any combination thereof, and subject to all other available civil penalties and remedies. Each day a violation exists constitutes a separate violation. All remedies are cumulative.

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

Sec. 14-80. - Definitions.

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

Adult is a person 18 years of age or older.

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

Building code or *state building code* is the Minnesota State Building Code established pursuant to Minn. Stat. § 326B.101-326B.16, and optional codes adopted by the city pursuant to section 34-296 of this Code, as amended from time to time.

Advisory inspection is an inspection of a premises by request of the owner prior to issuance/application for a rental license for the purpose of identifying issues to be proactively addressed by the owner.

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

Bedroom is a room of at least 70 square feet of habitable floor area and comply with the applicable provisions in the 2006 International Property Maintenance Code including but not limited to, the light, ventilation, room area, ceiling height, and room width requirements.

City means the City of Northfield, Minnesota.

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

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

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

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

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

Maximum occupancy is the maximum number of occupants of a unit, as determined by the Building Official, in accordance with this article.

Northfield Property Maintenance Code is Secs.12-21.—12.23. of this Code, as it may be amended from time to time.

Nuisance is any nuisance or blight as defined by this article or other provision of this Code.

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

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

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

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

Related means whole or half relationship between persons through a common ancestor or descendant or by a relationship as husband, wife, domestic partner as defined in section 2-12, stepparent, stepchild, parent and adopted child, or foster parent and foster child.

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

Rental agent is a person who is the representative of an owner of rental property.

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

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

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

Tenant means any person who occupies and uses as their primary residence a unit furnished to said person for payment of a rent to another.

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

Secs. 14-81—14-90. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-91. - Application.

- (a) *Application Required.* The owner of any structure in which one or more units are intended to be let shall make application for a rental housing license prior to letting the unit, unless

such unit is currently licensed or is exempt from the provisions of this article. The owner shall not allow occupancy of such unit until the required application fee has been paid, any additional inspection fees are paid, and a rental housing license has been issued pursuant to this division. An application shall be considered complete when all information has been provided to the City and all fees for application and inspections are received by the City.

- (b) *Contents of application.* The application shall be made on the form provided by the city. Such application for must show compliance with the density requirements of Sec. 14-9X, except for an application for a temporary license pursuant to Sec. 14-94.
- (c) *Rental agent.* No license for property owned by a person who resides outside the corporate limits of the city shall be issued unless the owner provides on the license application to the city the name, address, and phone number of a rental agent who lives within 20 miles of the corporate limits of the city. The rental agent shall not be a tenant of the licensed property or of another licensed property owned by the same owner, unless that person is a manager of an apartment building in which he or she lives. Any notices, administrative citations or any other orders served on a rental agent shall be deemed to have been served on the owner of the property.

Sec. 14.92. - License Types

- (a) *Four types of licenses.* The city shall issue the four types of licenses listed in Table 14-92. based on: (1) application for a permanent or temporary license; (2) the number of units; and (3) the number of property and nuisance code violations found in an inspection per unit. Table 14.92 lists the respective licensing category, licensing period, minimum inspection frequency, required improvement plan, and allowed property and nuisance code violations allowed per inspection per unit.

| Licensing Category | Licensing Period | Minimum Inspection Frequency | Required Improvement Plan | Number of Units | Property or Nuisance code violations allowed per inspection per unit |
|---------------------------|-------------------------|--|----------------------------------|------------------------|---|
| Type I | 2 years | 1 in 2 years, upon request, or as needed as determined by the city | N/A | 1-2 | Greater than 1 but not more than 4 |
| | | | | 3+ | Greater than .75 but not more than 1.5 |
| Type II | 1 year | 1 per year, upon request, or as | Action Plan | 1-2 | Greater than 4 but less than 8 |

| | | | | | |
|-----------|----------------|---|-----------------|-----|----------------------------------|
| | | needed as determined by the City | | 3+ | Greater than 1.5 but less than 3 |
| Type III | 6 months | 1 every 6 months, upon request, as specified by the Mitigation Plan, or as needed as determined by the City | Mitigation Plan | 1-2 | 8 or more |
| | | | | 3+ | 3 or more |
| Temporary | 1 year or less | Once per year, upon request, or as needed as determined by the City | N/A | N/A | 3 or more |

Sec. 14-93. - Issuance.

- (a) *Initial issuance.* The building official shall issue a license for the building after an application has been completed pursuant to Sec. 14-91 (a) and an inspection of each unit pursuant to Sec. 14-95, the building official finds that the units meet or exceed the minimum requirements set forth by this article.
- (b) *Determining license category.* License categories are based on property and nuisance code violations found during the initial, renewal, owner-requested, or complaint-based inspections, as listed in Table 14.92. Each inspection shall serve as a verification of the category of license issued to the property. Based on the outcome of any inspection, a property may move from a lower-numbered category of license to a higher numbered category.
- (c) *Contents of license.* A rental license shall show the date of license issuance, the maximum occupancy for which the unit is approved, the category of license issued, the type of improvement plan if one is required as part of the license category, the term of the license, and the expiration date of the license.
- (d) *Nontransferable.* Licenses issued pursuant to this article are nontransferable.
- (e) *Sale of property.* When a licensed rental property is sold, the new owner shall apply for a new rental license in the name of the new owner within 30 days of closing on the sale. The property may be required to be re-inspected prior to issuance of the license, in the discretion of the building official. If the property is not re-inspected, the new property owner shall be issued a Type II license unless the unit was subject to an improvement plan.

If the property was subject to an improvement plan, the new owner shall be issued a Type III or Type IV license, respectively, until such time as the new owner can show compliance with the improvement plan. If a new license is not issued within 60 days of closing on the sale of the property, or a longer period as allowed in writing by the building official, the property shall cease being rented and shall not be rented again until a new rental license is issued.

- (f) *Renewal.* A rental housing license shall expire at the end of the respective license period listed in Table 14.92. A renewal license shall be applied for at least 30 days prior to expiration of the existing license. A late fee in an amount established by resolution of the city council from time to time will be charged for renewal license applications that are not applied for at least 30 days prior to expiration of the existing license. The property shall not be occupied by a tenant after expiration of a license, provided that the building official may issue a temporary renewal license not to exceed two months in duration if the building official deems it appropriate to allow continued occupancy pending issuance of a renewal license. A temporary renewal license shall expire on the stated date and the property shall not continue to be occupied by a tenant unless a full renewal license has been issued by that date.

Sec. 14-94. - Temporary rental license.

Notwithstanding section 14-97, the building official may issue a temporary rental license under the following conditions:

- (1) The property owner seeking a temporary rental license must submit a written application on the form provided by the City.
- (2) In the written application filed with the building official, the property owner must state that one or more of the following circumstances does currently or will within the next 30 days apply to the property owner:
 - a. The property owner is currently taking, or will be taking, an extended leave of absence from the property owner's place of employment for a duration of six months or more where the property owner or the property owner's family do not reside at the property; or
 - b. The property owner is involved in a bankruptcy or foreclosure proceeding directly involving the property and property owner; or
 - c. The property owner (i) is currently or will become unemployed, or (ii) has or will have a change in employment status resulting in a loss of income or in the relocation of the property owner more than 20 miles away from the city; or
 - d. The property is being or will be actively listed or offered for sale to the public by the property owner.
- (3) Notwithstanding anything to the contrary in this section, the temporary rental license may be issued for a period not to exceed 12 months, provided however, that upon written request/application of the property owner to the building official a one-time extension of the temporary rental license may be issued by the building official for a period not to exceed an additional 12 months. The extension shall not be issued by the building official if the rental property has been the subject of five or more police calls or has had three or

more nuisance or property maintenance violations issued against the property in the first 12-month temporary rental period. The temporary rental license period extension is subject to issuance of a new temporary rental license by the building official, following the property's passage of city rental inspection and payment of the required license fee.

- (4) Subject to subsection (3) above, the temporary rental license shall terminate immediately upon closing of a sale of the property to a bona fide purchaser or at the end of a bona fide lease agreement, but the rental occupancy may not exceed the temporary rental license expiration date.
- (5) A property may be issued a temporary rental license and extension as provide for in this section only one time within a five-year period.
- (6) The property shall at all times comply with applicable city and state rental housing requirements, property maintenance requirements, and all other laws and ordinances applicable to the property.
- (7) The fees for the 12-month temporary rental license and any extension thereof as provided in this section shall be the same as the regular rental license with no prorating for the difference in any rental duration.

Sec. 14-95. - Inspection.

- (a) The building official must conduct an inspection of the interior and exterior of any property applying for a new or renewed rental housing license for compliance with the standards in this article. At least 75% of units will be inspected. No license shall be issued except upon a satisfactory inspection.
- (b) The building official must also inspect rental property upon receiving a bona fide complaint from a complainant who leaves his/her name and address.
- (c) Any owner or prospective owner of rental property or prospective rental property may request an advisory inspection. Advisory inspections will be completed as staff time permits and may be limited to no more than one inspection per property, per year.
- (d) Upon inspection and the finding of a violation, the building official shall notify the owner and the occupant in writing of the violation and the requirement to correct the violation.

Sec. 14-96. - Fees.

- (a) Fees for licenses, renewals, inspections, reinspections, advisory inspections, penalties, reinstatement, and appeals, shall be in the amount set by resolution of the city council from time to time in the city fee schedule. The license fee is non-refundable in the event of discontinuance of use, sale, or the revocation or suspension of a license. The property owner shall pay inspection and reinspection fees, in amounts determined by resolution of the city council from time to time, for any extra inspections resulting from violation of this article.
- (b) No license shall be issued or renewed unless and until the license fee has been paid. Whenever any person fails to pay any other fees associated with this article, the city may assess these fees against the property as a special assessment, in the manner provided by Minnesota Statutes §§ 429.061 to 429.081.

Sec. 14-97. - Limitation on rental properties in low density neighborhoods.

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

- (1) *Exception.* This limitation shall not apply to rental properties which are validly licensed as of the date of adoption of this article, including properties which have been sold and re-licensed as provided in section 14-92, although they will be counted among the 20 percent of allowable rental houses on a single block for purposes of determining whether new licenses may be issued.

Sec. 14-97. – Appeal.

Any licensee or potential licensee may appeal the denial of a license or any other action of the building official related to a license to the City Council, by following the appeal process found in **Sec. 3-30** (b) of this Code.

DIVISION 3. - OCCUPANCY, USE, AND MAINTENANCE STANDARDS

Sec. 14-115. - Compliance.

- (a) *Generally.* No dwelling, dwelling unit or rooming unit shall be let for occupancy to another which does not comply with the requirements of this article. All rental properties shall comply with the requirements of this article immediately upon the effective date of this article unless a different date or time is specified in this article.
- (b) *Compliance with applicable state codes.* The structures on all rental properties shall be in compliance with the state building code and all related state codes which were in effect on the date such structures were constructed, added onto, altered, or repaired, or which otherwise apply by the terms of such state codes. If it is not possible or feasible to determine which code applied at the time of construction, addition, alteration, or repair, the least restrictive code provision which has existed at any time the structure has been in existence, or at any time an addition, alteration, or repair could have been made, shall apply. If a structure is found to be out of compliance with an applicable code, it shall be brought into compliance within a reasonable time following issuance of an order for correction, as determined by the building official.
- (c) *Northfield Property Maintenance Code.* All rental properties shall comply with the provisions of the Northfield Property Maintenance Code, as stated in Secs.12-21.—12.23. of this Code. If a conflict exists between this article and the Northfield Property Maintenance Code, the most stringent requirements shall apply.
- (d) *Maintenance of safe and sanitary condition.* Whether or not specifically mentioned in this article, all parts of all structures, accessory structures, appliances, equipment, systems,

components, outside areas and other elements of all rental properties without limitation must be kept at all times in a safe and sanitary condition.

- (e) *Occupancy*. The total number of occupants is to be determined by the building official and may not exceed twice the number of legal bedrooms plus one. Any bedroom which more than one person is to occupy must exceed the minimum 70 square foot habitable area by 30 square feet.

Sec. 14-116. - Specifically prohibited acts.

Whoever does any of the following, in addition to any other violation of this article without limitation, shall be (1) guilty of a misdemeanor, (2) subject to an administrative citation and civil penalties as provided in [Section 3-20-3-28](#) of this Code, and (3) subject to all available criminal and civil penalties and other remedies, or any combination of the foregoing:

- (1) *No license*. Allows occupancy of a unit prior to the issuance of a rental housing license and payment of the license fee or after suspension, revocation or expiration of a rental housing license or renewal license.
- (2) *Over occupancy*. Occupies or allows occupancy of a unit by: (1) more persons than the unit is approved for or (2) in such way as to create conditions that, in the opinion of the building official, endanger the life, health, safety, or welfare of the occupants. Children under 2 years of age do not count toward the occupancy number of a unit.
- (3) *Occupying vacated unit*. Occupies or allows occupancy of a unit that was posted and ordered vacated.
- (4) *Occupying uncertified bedrooms*. Occupies or allows occupancy of a room as a bedroom that is not approved as a bedroom and does not qualify as a bedroom under this article.
- (5) *Occupancy of unlicensed unit*. Occupies a unit for which no license has been issued or for which a license has been revoked or has expired without being properly renewed. An occupant of a unit which has lost its rental license shall vacate the property immediately or as ordered by the City Council. An occupant's remedy for the loss of his or her leasehold interest, if any, shall be by private claim or action against the property owner.

Sec. 14-117. – Additional performance standards

- (a) *Ventilation*. Any mechanical ventilation systems provided in lieu of exterior openings for natural ventilation in bathrooms shall be kept clean and maintained in good operating condition.
- (b) *Bathroom accessibility*. Where bathrooms are shared by rooming units or by occupants of a dwelling unit, the bathrooms shall be located so that no occupant has to pass through another occupant's bedroom to use the facility.
- (c) *Room separations*. Every water closet, bathtub or shower required by this article shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food preparation areas by a tight-fitting door.
- (d) *Kitchen*. Each dwelling and dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Sinks shall be of nonabsorbent materials.

- (e) *Smoke detectors.* Smoke detectors shall be installed and maintained as required by Minn. Stat. § 299F.362 and rules promulgated in accordance therewith.
- (f) *Fire extinguishers.* All units shall be equipped with a fire extinguisher with a minimum rating of 2A 10BC. The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within 50 feet of each dwelling unit door. Fire extinguishers shall be serviced at least annually. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.
- (g) *Carbon monoxide alarms.* Carbon monoxide alarms shall be installed and maintained in compliance with Minn. Stat. §§ 299F.50 and 299F.51.
- (h) *Energy conservation.* Doors and windows shall be maintained in tight and operable condition. Holes and cracks in foundations and exterior walls shall be filled.
- (i) *Free of infestation.* Every dwelling shall be free of the infestation of insects, rodents, and other vermin. Action to abate the infestation must be taken within 24 hours of notice to the owner of an infestation by the City. If action is not taken within 24 hours, the City may begin abatement proceedings.
- (j) *Health threats.* Every dwelling shall be free of conditions endangering the health and safety of the occupants, including but not limited to unhealthy levels of radon, mold, carbon monoxide, lead, or other noxious organisms and substances. If the building official is not able to determine if the health threat is present or the appropriate abatement action, the building official may order the owner to seek inspection/investigation of the issue, provide the results to the building official, and, if required, abate the condition.

Sec. 14-118. - Miscellaneous requirements.

- (a) *Building identification.* Every building shall have the assigned street number(s) displayed on the building in such a position as to be plainly visible and legible from the street fronting the property and as otherwise required by this Code. Every building shall have the owner's name, address and phone number posted on a sign or plaque within two feet of the main building entrance. If there is a rental agent or manager, the agent or manager's name, address and phone number shall also be posted, adjacent to the owner's. If, however, the building is an apartment building and the building has a rental agent or manager, only the rental agent or manager's name, address and phone number need be posted, and not the owner's. The number of occupants for which each unit is approved shall also be stated. Such sign or plaque shall be permanently affixed to the inside of the building. The sign shall be printed in 24 font size or larger and shall be worded according to the following form:

| | |
|------------------|------------------|
| BUILDING OWNER | AGENT/MANAGER |
| NAME | NAME |
| STREET ADDRESS | STREET ADDRESS |
| CITY, STATE, ZIP | CITY, STATE, ZIP |

| | |
|--------------|--------------|
| PHONE NUMBER | PHONE NUMBER |
|--------------|--------------|

UNIT #___ - ___ OCCUPANTS

UNIT #___ - ___ OCCUPANTS

- (b) *Recyclables.* The property owner shall provide recyclable materials containers. Occupants shall place recyclables curbside on designated pick-up days and shall remove such containers from curbside by 6:00 p.m. the day of collection. Recyclables shall be stored in an inconspicuous place and shall not be stored in the front yard.
- (c) *Refuse.* The property owner shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight-fitting cover. Containers shall have a maximum capacity of 33 gallons with two handles, or a container of any size supplied by the waste removal company to be mechanically lifted may be used. Occupants shall place refuse in the approved refuse containers provided by the owner. The owner shall ensure that refuse is removed from the property at least once every seven days. Refuse containers shall not be stored in the front yard and shall be removed from curbside by 6:00 p.m. the day of collection. Containers with a capacity of 1.5 cubic yards or more shall not be stored in an occupied building or within five feet of combustible walls, openings or combustible roof eaves. Containers with a capacity of 1.5 cubic yards or more shall not be kept outside an enclosed structure on a property for more than 30 days per calendar year unless completely screened from public view.

Sec. 14-120. - Conduct on licensed premises.

- (a) *Disorderly conduct.* It shall be the responsibility of the rental license holder to take appropriate action to prevent conduct by occupants and their guests on licensed premises which is hereby deemed disorderly and which is in violation of any of the following statutes or ordinances:
 - (1) Northfield Code, Chapter 50, Article IV, sections 50-86-90, which prohibits offenses against order, including disorderly conduct, unlawful parties, aiding or hosting underage drinking, drug paraphernalia, and unlawful noise.
 - (3) Minnesota Statutes §§ 609.75 through 609.76, which prohibit gambling.
 - (4) Minnesota Statutes §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto.
 - (5) Minnesota Statutes §§ 152.01 through 152.025, and 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
 - (6) Minnesota Statutes § 340A.401, which prohibits the unlawful sale of alcoholic beverages.
 - (7) Minnesota Statutes §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.

- (8) Minnesota Statutes § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
 - (9) Minnesota Statutes §§ 609.185, 609.19, 609.195, 609.20, and 609.205, which prohibit murder and manslaughter.
 - (10) Minnesota Statutes §§ 609.221, 609.222, 609.223, and 609.2231, which prohibit assault.
 - (11) Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, and 609.3451, which prohibit criminal sexual conduct.
 - (12) Minnesota Statutes § 609.52, which prohibits theft.
 - (13) Minnesota Statutes §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632, which prohibit arson.
 - (14) Minnesota Statutes § 609.582, which prohibits burglary.
 - (15) Minnesota Statutes § 609.595, which prohibits damage to property.
 - (16) Minnesota Statutes §§ 97B.021, 609.66 through 609.67, and 624.712 through 624.716, which prohibit the unlawful possession, use, transportation, or sale of a weapon.
 - (17) Minnesota Statutes § 340A.503, which prohibits underage drinking.
- (b) *Enforcement of disorderly use violations.* A violation of any of the foregoing ordinances or statutes is established by a finding of guilt by a court of competent jurisdiction, even if there is a stay of adjudication or other post-conviction orders or proceedings. The building official shall notify the property owner when any such charges are brought against a tenant or guest unless prohibited from doing so by law.
- (1) *First violation.* Upon determination by the building official or a law enforcement officer that a disorderly use violation as enumerated above occurred on a rental property, the building official shall notify the owner of the rental property of the violation and direct the owner to take appropriate action to prevent further violations. All notices required by this section shall be in writing, delivered personally to the owner or sent by first class mail to the owner's last known address.
 - (2) *Second violation.* If a second disorderly use violation occurs on the rental property by the owner or the same three months of an incident for which notice was given under subsection (1), the building official shall notify the owner of the rental property by certified mail of the violation and shall require the owner of the rental property to submit a written report of the actions taken, and proposed to be taken, to prevent further disorderly use of the premises. This written report shall be submitted to the building official within 14 days of the date of mailing of the certified letter.
 - (3) *Third violation.* If a third disorderly use violation occurs on the rental property by the owner or the same occupant, or by a family member, roommate, or guest of the owner or occupant, within three months after the second previous instance of disorderly use, when notices were sent to the owner of the rental property pursuant to this section regarding the first and second instances, the rental license for the subject dwelling, dwelling unit or rooming unit must be suspended by the city council for an initial period up to 90 days.

- (4) *Subsequent violation.* If another disorderly use violation occurs on the rental property by the owner or the same occupant, or a family member, roommate, or guest of the owner or occupant, within 12 months after the end of a suspension period, the city council may suspend the rental license for up to an additional year. In lieu of suspension, the city council may impose a fine equivalent to the rent for the cumulative suspension periods under (3) and (4) of this section.
- (5) *Eviction or vacation.* It shall not be considered an instance of disorderly use if the tenant is evicted or voluntarily vacates the licensed premises prior to the hearing before the city council and within two full calendar months after the determination by the building official or law enforcement officer that disorderly use has occurred and notice of the determination has been sent to the licensee.

Sec. 14-121. – Retaliation prohibited.

No permittee or resident agent will evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to enforcement agencies and/or city officials relating to criminal activity, suspected criminal activity, suspicious occurrences, public safety concerns, or property maintenance concerns. This section will not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting enforcement agencies.

Sec. 14-123. - Parking.

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

(1) Number of spaces. Each rental dwelling unit shall have a minimum of two off-street parking spaces, and as many additional off-street spaces as may be desired so long as they meet the dimensional, surface, location, and other requirements of this section.

(2) Dimensional standards. Parking spaces shall have the following minimum dimensions:

Width: Nine feet.

Length (non-tandem): 18 feet.

Length (tandem): 22 feet.

(3) Parking surface standards. Each parking space shall be constructed and maintained in good condition with a uniform hard surface of concrete, asphalt, minimum of four inches of Class 5 compacted gravel, or similar surface specifically approved by the building official.

(4) Location. Parking spaces shall be located in a garage or on approved driveway surfaces which lead to a garage or a side yard. Vehicles shall not be parked on grass, dirt, in front yards, backyards, or in any other location which is not an approved parking space and which does not adhere to these standards.

(5) Enforcement. Property owners are specifically advised that they, as well as their tenants, are responsible for enforcing these parking regulations and they are required to exercise effective control over their tenants and others visiting or using the property. The legal enforcement of these parking standards shall be the joint responsibility of the building official and the police department.

(6) Time for compliance. Any licensed rental property in existence at the time of adoption of this article which cannot readily provide parking spaces as required by subsections (1), (2) and (3) of this section may request permission from the building official for time to come into compliance with those subsections, which may be approved, in writing, for a period of time not to exceed one year from the date of adoption of this article. All properties which are subject to this section shall immediately comply with the other requirements of this section.

(7) Variance. A licensed rental property in existence at the time of adoption of this article which cannot feasibly provide parking spaces as required by subsection (1) of this section may request a variance from that subsection and the rental housing board of appeals may approve such a variance if it finds that strict enforcement of that subsection would cause an undue hardship because of circumstances unique to the individual property under consideration, which circumstances were not created by the current owner of the property, provided that the board of appeals may impose conditions in the granting of such a variance to protect neighboring properties and their occupants from the impact of such a variance.

DIVISION 4. – Suspension or Revocation

Sec. 14-127. – Standard for suspension or revocation.

A rental housing license may be suspended or revoked by the City Council based on any serious or repeated violation of this article or other law, rule, or regulation related to use or maintenance of the property or as provided in Sec. 14-120.

Sec. 14-128. - Commencement of proceedings.

When the building official has determined the standard set forth in Sec. 14-127 has been met for suspension or revocation, the building official may bring the matter to the City Council in order to commence proceedings to suspend or revoke the rental license. Such hearing may be

held concurrently with an appeal of any violations of the property or nuisance code or any order of the building official regarding the same property.

Sec. 14-129. - Notice.

Except as otherwise provided by this article, property owners shall be given ten days' notice and an opportunity for a hearing at the City Council before a license may be suspended or revoked. A rental housing license may be suspended on an emergency basis, with such notice as may reasonably be given but without formal notice and hearing, if necessary to prevent imminent risk of serious harm to persons or property.

Before commencing proceedings at the City Council to suspend or revoke a rental license, the building official shall issue a notice and order directed to the owner of record of the building. The notice and order shall contain the following:

- (1) The street address and a legal description sufficient for identification of the rental property.
- (2) A statement of the basis for the suspension or revocation of the rental license.
- (3) The time and place of the City Council meeting at which the suspension or revocation will be considered.
- (4) A statement advising the recipient that a failure to appear at the City Council meeting and respond will constitute a waiver of the right to respond to the proposed suspension or revocation and any action taken by the City Council will be final.

Sec. 14-130. - Service of notice.

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

Sec. 14-131. - Method of service.

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

Sec. 14-132. - Proof of service.

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

Sec. 14-133. – Order to vacate.

If the City Council revokes a rental license, the City Council must order the vacation of the property within seven days, unless a shorter period is required to protect the life and safety of the occupants or a longer period is required up to 60 days. The City Council order shall state the time by which the property must be vacated and such order shall be served on all parties listed in Sec. 14-130 and posted at or upon each entrance to the building within 24 hours of the City Council action approving the order.

Sec. 14-134. - Notice to vacate.

A notice to vacate shall, in addition to being served, be posted at or upon each entrance to the building on the date the building vacation is ordered, and shall be in substantially the following form:

DO NOT ENTER
UNSAFE OR ILLEGAL TO OCCUPY

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

Inspection Division
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Sec. 14-134. - Compliance with notice to vacate.

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

Sec. 14-138. - Recovery of costs.

- (a) *Costs incurred by city.* The costs of such work, including the costs of administration, enforcement, and other related costs, including attorneys fees related to enforcement of this article, shall be paid from a repair and demolition fund or other available funds of the city, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, as the city council shall determine is appropriate.

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