ORDINANCE #2013-79
AN ORDINANCE FOR RENTAL LICENSING

The City Council of the City of Rockville ordains as follows:

Section 1. The former City of Rockville's Ordinance #67 and Ordinance #2012-01 is amended and replaced in it's entirety with the following:

SECTION 1.01 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 who have, as their place of abode, a dwelling unit, manufactured home, lot or room furnished to them for the payment of rental charges to another.

Subd.2: **Intent.**
It is the intent of this Ordinance that a permanent mode of protecting and regulating the living conditions of these residents be established 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 to health and safety, and by providing minimum standards for the maintenance of rental property.

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 Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The Council 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 which 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.

SECTION 1.02 DEFINITIONS

Subd. 1: **"Building"**
Shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 2: **"Dwelling Unit"**
Shall mean one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

Subd. 3: **"Housing Inspector"**
Shall mean a designee appointed by the Rockville City Council authorized to administer and enforce this Ordinance.

Subd. 4: **"Lot"**
Shall mean an area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.

Subd. 5: **"Manufactured Home"**
Shall mean a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the structure's plumbing, heating, air conditioning and electrical systems. The term includes any structure which meets all the requirements and with respect to which the manufacturer files a certification required by the secretary and complies with the standards established under this Ordinance and which meets the Manufacturer Home Builders Code as defined in Minnesota Statutes 327.32, subdivision 3, as amended.

Subd. 6: **"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.

Subd. 7: **"Maximum Occupancy"**
Shall mean that for each occupant in a dwelling unit 100 square feet of space must be provided.

Subd. 8: **"Occupant"**
Shall mean any person (including the owner or operator) living, sleeping, cooking and eating in a dwelling unit.

Subd. 9: **"Operator"**
Shall mean the owner's 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.

Subd. 10: **"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.

Subd. 11: **"Person"**
Shall mean any natural person, his/her heirs, executors, administrators or assigns, and also includes a firm, partnership, limited liability company, cooperative or corporation, its or their successors or assigns, or the agent of any of the aforementioned.

Subd. 12: **"Rental Property"**
Shall mean a dwelling unit, manufactured home, lot, rooming house or sleeping room occupied by a person or persons in the status of tenant.

Subd. 13: **"Rooming House"**
Shall mean a building or structure providing a room or rooms intended for living and sleeping to persons in the status of tenant. This term shall include boarding houses, day care, fraternity houses and sorority houses, but does not include hotels, motels, or hospitals.

Subd. 14: **"Sleeping Room"**
Shall mean a room or enclosed floor space in a "rooming house" or "dwelling unit" as defined in this Ordinance, used or intended to be used primarily for sleeping purposes.

Subd. 15: **"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.

SECTION 1.03 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED

Subd. 1: **International Property Maintenance Code:**
The International Property Maintenance Code, 2006 Edition, as from time to time amended or modified, one (1) copy of which is on file in the Office of the Administrator-Clerk-Treasurer, is hereby adopted by reference and is made a part of this Ordinance as if fully set out in length except as amended as follows:

A. Where this code references any of the model codes it shall mean the code adopted by the State.

B. Where this code references the International Zoning Code it shall mean the City of Rockville's Zoning Ordinance.

C. Section 101.1 Insert: City of Rockville

D. Section 103.5 Insert: Appendix B Fee Schedule

E. Section 111 Deleted in its entirety

F. Section 302.4 Insert: eight (8) inches

G. Section 304.14 Delete: During the period from (DATE) to (DATE), every

H. Section 304.14 Insert: Every

I. Section 404.4.1 Amend: for two persons and shall be increased at the rate of fifty (50) square feet for each occupant in excess of two.

J. Section 602.3 Delete: during the period from (DATE) to (DATE)

K. Section 602.4 Delete: during the period from (DATE) to (DATE)

L. Section 603.2 Delete: the exception

M. Section 704.5 New Section: Fire Extinguishers. Fire Extinguishers shall be provided for each building and/or occupancy as required in the Fire Code. A fire extinguisher shall be provided for every one (1) and two (2) family rental dwelling unit (R-3) with a minimum rating of 2A10BC.

N. Section 704.6 New Section: Carbon Monoxide Detectors. Carbon Monoxide Detectors shall be installed and maintained as required by state law.

SECTION 1.04 LICENSE AND FEES

Subd. 1: **License Required:**

No person shall occupy, allow to be occupied or let to another for occupancy any rental property in the City for which a license has not been properly issued by the Housing Inspector.

Subd. 2: **License Fees**:

The payment of fees as provided in this Section shall be a prerequisite to the issuance of the required license.

A. A license fee for each dwelling unit, manufactured home, lot or sleeping room shall be paid to the City biannually on or before January 15 every five years in the amounts established on the attached Fee Schedule commending with the year 2013.

B. Rental property which is licensed as a curing home or a boarding house by the State of Minnesota Department of Health pursuant to Minnesota Statutes Chapter 157 shall be exempt from the license fees required under this Section.

C. If the license fee required hereunder shall be paid after January 15, there shall be imposed fees and penalties as set forth on the attached Fee Schedule.

Subd. 3: **License Application:**
The license application shall be made and filed on a form furnished by the Housing Inspector for such purposes and shall set forth the following information:

A. Name, residence address and phone number of the owner of the rental property or an agent authorized by the owner to accept service of process and to receive and give receipt for notices. In cases where the owner of the rental property lives outside of the City of Rockville, the license application shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances and such agent shall live within 20 miles of the City of Rockville.

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 kind of units within the rental property (dwelling units, manufactured homes, lots or sleeping rooms).

F. Name, phone number and address of the person authorized to make or order repair and/or service to the building or manufactured home park, to provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact the person so authorized.

G. Maximum number of people per dwelling unit, manufactured home, lot or sleeping room.

Subd. 4: **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, in the office of the Housing Inspector. Notwithstanding, renewal of a license as required biannually by this Ordinance may be made by filling out the required license renewal form furnished by the Housing Inspector to the owner or agent of a rental property and mailing the form together with the required license fee to the Housing Inspector. Such license renewal may only be made where there has not been a change of ownership, agent or type of occupancy as originally licensed.

Subd. 5: **Inspection Frequency**:
All rental units shall be subject to an inspection conducted by the Housing Inspector or his/her authorized representative. Upon satisfactory inspection, the Housing Inspector or his/her authorized representative shall issue a license under this Ordinance for a five year period from the effective date of issuance. If two signed complaints are received by either the Housing Inspector or the City and substantiated by an inspection, additional fees shall be assessed by the City.

Subd. 6 **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 any dwelling unit, manufactured home or lot therein, and thereafter all licenses of such rental property shall be renewed not later than January 15 of the renewal year.

Subd. 7: **Transfers:**
Every new owner of a rental property *(whether as fee owner, contract purchaser, lessee subletting the entire building or manufactured home park or otherwise entitled to possession)* shall obtain a license under this Ordinance before taking possession. No license fees shall be required of the new owner in the year of purchase, provided the previous owner has paid the applicable license fees, and further provided the new owner does not change the type of occupancy as originally licensed.

SECTION 1.05 DISPLAY OF LICENSE

Subd. 1: Every licensee of a building or manufactured home park with four (4) or more dwelling units, manufactured homes or lots shall conspicuously display at all times on the premises a copy of the current license as filed with and approved by the City. This license shall be located on the premises so as to be easily viewed and readable by the occupants of the rental property and shall be reasonably protected from wear by a plastic cover or similar protective device

SECTION 1.06 INSPECTION; RIGHT OF ENTRY

Subd. 1: In order to insure compliance with this Ordinance's requirements, the Housing Inspector shall have the authority to enter any building or manufactured home park at reasonable times upon five (5) days' written 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 Uniform Housing Code, or both.

Subd. 2: **Correction Notice:**
Whenever an inspector determines that any residential rental property fails to meet the requirements set forth in the applicable rules, standards, statutes or Ordinances, the inspector shall issue a correction notice setting forth the violations and ordering the occupant, owner and/or owner's designated agent to correct such violations. The notice and order shall:

A. Be in written form;

B. Describe the location and nature of the violation;

C. Establish a reasonable time for the correction of any violation;

D. Be serviced upon the owner, the owner's designated agent and/or the occupant as the case may require. Such notice shall be deemed to be properly served if a copy thereof is: 1) Served upon the owner, designated agent and/or occupant personally; or 2) Sent by certified mail, return receipt requested.

Failure to correct violations within the time period stated in the correction order shall result in an administrative penalty as set forth in Appendix B - Rockville Schedule of Fee Charges as well as other sanctions provided by law or this Ordinance. If the correction order relates to actions or omissions of the occupant, and the occupant fails to make the necessary corrections, the licensee may be required to remedy the condition by whatever means necessary. No adverse action shall be taken against a licensee for failure to remedy a condition during the pendency of a bona fide eviction proceeding being pursued by the licensee.

SECTION 1.07 HEALTH DEPARTMENT INSPECTION

Subd. 1: The Stearns County Health Department shall have the right to inspect rental dwellings, as defined in this Ordinance to enforce the sanitation requirements.

SECTION 1.08 APPLICABLE LAWS

Subd. 1: Licensees shall be subject to all of the Ordinances of the City of Rockville and all applicable federal and state laws relating to dwelling units and manufactured home parks; and this Ordinance shall not be construed or interpreted to supersede any other such applicable Ordinance or law.

SECTION 1.09 SUSPENSION OR REVOCATION

Subd. 1: **Non Compliance:**
In the event compliance has not been completed within the time provided, or a hearing has not been requested by the owner in writing, the Housing Inspector shall recommend to the City and the City Council may terminate the license.

Subd. 2: **Request for Hearing:**
In the event that a hearing is requested by the licensee prior to expiration of the time specified for compliance, the City shall set a time for such hearing and shall inform the licensee of the time and place at which the City Council will meet to consider such testimony as may be offered concerning the proposed violation.

Subd. 3: **Decision of the City Council:**

On completion of such hearing, the City Council may make a final order suspending or terminating the license and may impose penalties provided by this Ordinance or by law.

SECTION 1.10 OWNER RESPONSIBILITY

For purposes of this section, owner is defined to include corporations and partnerships as well as individual owners. The owner of a residential dwelling is responsible to cause persons occupying the dwelling unit to conduct themselves in such a manner to ensure that persons upon the premises have not committed violations, including but not limited to any of the following:

A. Minn. Stat. 609.72: Disorderly Conduct.

B. Minn. Stat. 609.221 - 609.224: Assault.

C. Minn. Stat. 609.33: Disorderly House.

D. Minn. Stat. 609.74: Public Nuisance.

E. Minn. Stat. 340A: Unlawful sale, use or possession of alcoholic beverages.

F. Minn. Stat. 97B.021, 97B.045, 609.66 – 609.67 and 624.712 – 624.716: Unlawful possession, transportation, sale or use of a weapon.

SECTION 1.11 CRIMINAL PENALTIES

Subd. 1: In addition to any other penalties imposed by this Ordinance, any Person, firm, corporation, or partnership who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each violation of this Ordinance shall constitute a separate offense.

Section 2. This Ordinance will be effective upon passage and publication.

ADOPTED:
PUB. Cold Spring Record

ATTEST:

Rena Weber City Administrator City of Rockville	Jeff Hagen Mayor City of Rockville

RENTAL REGISTRATION FEE SCHEDULE

Fee	Amount
Apartment Inspection Fees	**$50.00 First unit and $25 each additional unit with a $100.00 minimum fee (includes initial inspection & one follow-up inspection)**
Additional Inspection Fees	**$50.00 per inspection**
Late Fees and Penalties	**50% additional fee up to 30 days late** **100% additional fee for 31-60 days late** **City Council to determine additional fee for 61 or more days late**