

Chapter 10. Building and Housing

Section 1000 - Minnesota State Building Code

1000.01 State Building Code Adopted. The Minnesota State Building Code as adopted and amended by Olmsted County is hereby adopted and made a part of this Code as if set out here in full.

1000.02 Enforcement. The City shall enforce the State Building Code under an agreement to be negotiated with Olmsted County.

Section 1005 - Certificate of Occupancy

1005.01 Certificate of Occupancy Required. A Certificate of Occupancy will be required for each new building. The Certificate of Occupancy will be issued only after the Public Works Director or his or her designee signs off on the Inspections Record.
(Ord. 2004-10, passed 12-14-04)

1005.02 Penalty. Any person violating any provisions of this Section shall be guilty of a misdemeanor.
(Ord. 2004-10, passed 12-14-04)

Section 1010 - Housing Code

1010.01 Housing Code Adopted. The Housing Code for Olmsted County shall be hereby adopted and made a part of this Code as if set out here in full.

1010.02 Enforcement. The City shall enforce the Housing Code under an agreement to be negotiated with Olmsted County.

Section 1020 - Unfair or Discriminatory Housing Practices Prohibition

1020.01 Declarations of Fair Housing Policy. Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status, and disability adversely affects the health, welfare, peace, and safety of the community. Persons subject to such discrimination suffer depressed living conditions, and create conditions which endanger the public peace and order. The public policy of the City shall be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It shall also be the policy of the City to protect all persons from all unfounded charges of discrimination.

1020.02 Prohibited Acts in Regard to Housing. It shall be an unlawful discriminatory practice and unlawful:

A. For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, status with regard to public assistance, national origin, age or disability in the sale, lease, or rental of any housing unit or units.

B. For any broker, salesperson or other person acting in behalf of another to so discriminate in the sale, lease, or rental of any housing unit or units belonging to such other person.

C. For any person engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units or in the business of selling insurance with respect to housing units to refuse to provide the financing or insurance or to discriminate with regard to the terms or conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability of the applicant or because of the location of the unit or units in areas of the City occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability; or to discriminate by treating differently any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of social, economic or environmental conditions of the area in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of any financial assistance or in the extension of services in connection therewith. The bona fide programs of Federal, State or local governmental units or agencies, however structured or authorized to upgrade or improve in any manner a specific urban area shall not be deemed to be a violation of this Section.

D. For any person, having sold, leased, or rented a housing unit or units to any person, to discriminate with respect to facilities, services, or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age or disability, marital status or status with regard to public assistance.

E. For any person to make or publish any statement evidencing an intent to discriminate, on grounds of race, creed, religion, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability, in the sale, lease, or rental of a housing unit or units.

F. For any person to make any inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability, or to keep any record or use any form of application, designed to elicit the information, in connection with the sale, lease, rental, or financing of a housing unit or units.

G. For any person, for the purpose of inducing a real estate transaction from which he or she may benefit financially:

1. To represent that a change has occurred or shall or may occur in the composition of the block, neighborhood, or area in which the property is located, in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability of those living there; or,
2. To represent that this change shall or may result in the lowering of property values, an increase in crime, or anti-social behavior or a decline in the quality of schools in the block, neighborhood, or area concerned.

1020.03 Exceptions. Nothing in this Section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Section be construed to relieve any person or persons regardless of any disability in a written lease, rental agreement, or contract or purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement or contract.

Subd. 1 Exemptions. The provisions of this Section shall not apply to:

- a. The rental of a portion of a dwelling containing accommodation for two (2) families, one of which is occupied by the owner; or
- b. The rental by an owner or occupier of a one-family accommodation in which he or she resides in a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this Section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of such lease, agreement or contract.

1020.04 Enforcement Procedures. The City shall be designated as the enforcement agency for this Section and shall have the power to receive, hear and determine complaints as provided in this Section. The City shall promptly investigate upon complaint or upon its own motion, any violations of this Section. If after investigation, it shall have reason to believe a violation has occurred, it may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as provided in this Section, or enter into a settlement agreement which, when approved by the City shall have the same force as a City order.

1020.05 Statute of Limitations. No action shall be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice shall have been filed with the City within 180 days from the occurrence of the practice.

1020.06 Civil Enforcement Procedure. Civil enforcement procedures shall be prosecuted by the City before the Council in the following manner:

- A. The City shall serve upon respondent by certified mail a complaint, signed by it, which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing, and advise the respondent of his or her right to file an answer to appear in person or by an attorney and to examine and cross-examine witnesses.
- B. The hearing shall not be less than 20 days after service of the complaint. At any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the City.
- C. The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.
- D. Hearings shall be before the Council.
- E. The City may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing.
- F. If, after hearing, the panel shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell, or lease particular housing to the complainant or to do any other thing as may be just. The panel's findings of fact and order shall be served on the respondent and each member of the Council by mail shall become the findings and order of the City unless, within ten days after mailing of the findings and order, the City shall revoke or amend the order, but any order of a panel may be modified by the City at any time.

1020.07 Violation a Misdemeanor. Every person shall violate a provision of this Chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when such failure shall be thereby prohibited or declared unlawful or shall perform an act prohibited or declared unlawful or fails to act when such failure shall be prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as shall be otherwise stated in specific provisions of this section.

Section 1030 - Crime Free Housing

1030.01 Registration Certificate Required.

A. No owner shall allow another person to occupy, nor shall any person let to another for occupancy, any dwelling, or any apartment in any dwelling, without first obtaining a registration certificate as provided in this Section or at such time that the registration certificate, or the right to receive such a registration certificate, is suspended or revoked. Any registration certificate obtained pursuant to this Section shall be issued in the name of the owner. In the case of a multiple unit dwelling, a registration certificate issued pursuant to this Section includes and applies to both the entire dwelling as well as each individual rental unit within the dwelling. Any suspension or revocation of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or any individual unit or units within the dwelling.

B. The occupancy or rental of any dwelling, or any apartment, or rooming unit in any dwelling for which a registration certificate is required, need not be interrupted or suspended for lack of a registration certificate if the same is due to the inability of the City Administrator to process the application in a timely manner.

C. Exemptions would include: Assisted Living Facilities and Care Centers.

(Ord. 2008-2, passed 4-8-08)

1030.02 Application for Registration Certificate. An application for a registration certification shall be filed by the owner with the City Administrator. An application for any dwelling to be converted to a use which would require a registration certificate shall be made and filed with the Planning Coordinator at least thirty (30) days prior to such conversion.

(Ord. 2008-2, passed 4-8-08)

1030.03 Application Forms. Forms of application for registration certificates shall be supplied by the City Administrator and will be available at City Hall. Each application for registration certificate shall contain the following information:

A. Name, address, and telephone number of the owner of the dwelling. If the owner is a partnership, the name of the partnership, address and telephone number of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name, address and telephone number of the chief operating officer. If the dwelling is being sold on a contract for deed, the name and address of the contract vendee. Where the word "owner" is used in any part of the city housing codes, it shall include all persons as outlined in this Section;

B. Name, address and telephone number of any agent appointed by the owner to accept service of process and to receive or give receipt for notices;

C. Name, address and telephone number of any operator or agent actively involved in maintenance or management of said dwelling;

D. Legal street address of dwelling; and

E. Complete details of the number and kind of units offered for rent, classified as to the type of unit on the application, and the facilities incorporated in such rental units.

(Ord. 2008-2, passed 4-8-08)

1030.04 Issuance of Registration Certificate. Whenever the investigation of an application indicated that the dwellings, apartments, or rooming units offered for rent comply with all provisions of the City Code, including any provisions of the zoning ordinances, the City Administrator shall issue a registration certificate.

(Ord. 2008-2, passed 4-8-08)

1030.05 Notice of Violation/Rejection of Application. Whenever the investigation of an application for registration certificate indicated that the dwelling, apartment, or rooming unit does not comply with the provisions of the City Code, including any provisions of the zoning ordinances, the City Administrator shall return the application to the applicant stating the reasons for the rejection of the application.

(Ord. 2008-2, passed 4-8-08)

1030.06 Failure to Register. Every person required to register a dwelling, apartment, or rooming unit offered for rent under the provisions of this Section and who fails to do so, or who allows the property to be occupied when the registration certificate or right to receive such a registration certificate is revoked or suspended, shall be guilty of a violation of the City Code. Each day that a property is rented out without a valid rental registration certificate on file for that property is a separate violation. A violation of this Section shall be a misdemeanor punishable by up to \$1,000, ninety (90) days in jail, or both.

(Ord. 2008-2, passed 4-8-08)

1030.07 Certificate of Renewal and Nontransferability.

A. Registration certificates will initially be required on or before April 1. All registration certificates shall expire on the March 31 of the year following its issuance and must be renewed annually. All information required by Subsection 1030.03A. must be submitted at the time of renewal.

B. Every person who transfers title to property shall provide the City Administrator with the name, address, telephone number and date of the transfer of title to the new owner within ten (10) days of the date of such transfer. Within thirty (30) days of the date of such transfer, the new owner shall apply for a new registration certificate. In the case of an option contract where the holder of the option is collecting rents and/or is paying on the mortgage

to the property while the option remains unexercised, the holder of the option shall be deemed to be the owner of the property for purposes of this Section and shall be required to apply for a rental registration certificate in his or her name. The date the option contract is created shall be deemed to be the date the holder of the option becomes the "owner" for purposes of this Section.

C. Registration certificates may not be transferred or assigned.
(Ord. 2008-2, passed 4-8-08)

1030.08 Suspension or Revocation of Registration Certificate.

A. Any registration certificate issued by the City pursuant to the provisions of this Section may be suspended or revoked upon a finding that the certificate holder, during the term of the certificate, failed to comply with any provision of this Chapter.

B. A person's right to apply and receive a registration certificate may be suspended or revoked upon finding that the applicant has let to another for occupancy any dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as required by this Chapter and, during such time, the premises were involved in a disorderly use as defined below.

C. Whenever it appears to the City Council that adequate grounds may exist for the suspension or revocation of a registration certificate or the right to receive a registration certificate, the City Council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.

D. No such suspension or revocation shall be effective until the license or permit holder has been afforded an opportunity for a hearing under Minn. Administrative Procedure Act, §§ 14.57 - 14.70.

E. Upon a finding that the registration certificate holder or applicant has violated this Section, the City Council may invoke any of the sanctions provided in this Section.
(Ord. 2008-2, passed 4-8-08)

1030.09 Fees.

A. In addition to such other fees as may be imposed by this Code, a nonrefundable fee of \$40 shall be paid when an application for a registration certificate or renewal is filed with the City Administrator as required by this Section. If an application for renewal is not made prior to the expiration of the certificate, an additional fee of \$2.50 per day shall be charged for each day thereafter up to twenty (20) days or until the application is filed, whichever occurs first. The fees set forth above may be adjusted with the adoption of the City Fee Schedule.

B. The fee shall be waived for three (3) years per property for any premises currently certified in Phase I of the Crime Free Multi-Housing program conducted by the Olmsted County Sheriff's Dept. or other Sheriff/Police Dept. Phase I certification must be renewed every three (3) years.

(Ord. 2008-2, passed 4-8-08)

1030.10 Definitions. For the purpose of this Section, the following terms shall have the meaning ascribed to them:

A. Appropriate action. That action which is a reasonable rental property owner would take based upon the facts and circumstances of each case so as to prevent a reoccurrence of the disorderly use.

B. Crime free multi-housing or crime free multi-housing program. The program offered by the Sheriff's/Police Department and conducted according to nationally recognized standards.

C. Disorderly or disorderly use. That conduct occurring on the "Licensed Premises" or "Premises" which violates a provision of Subsection 1030.11.

D. License. A registration certificate or the right to receive a registration certificate as required by this Section.

E. Licensed premises or premises. The property owned, operated or managed by a rental property owner and shall refer to an individual unit within a multi-unit complex when applicable.

F. Rental property owner. One who holds the license or who is otherwise obligated to obtain and maintain the license as required by this Section.

(Ord. 2008-2, passed 4-8-08)

1030.11 Conduct on Licensed Premises.

A. Any rental property owner shall be responsible to take appropriate action against persons occupying specific units in the licensed premises who conduct themselves in such a manner as to cause the premises to be disorderly in violation of the statutes listed in Subsection 1030.11B. For purposes of this Subsection, the term "persons occupying the premises" shall include tenants and those persons on the licensed premises whose presence the tenant has invited or to which the tenant has acquiesced. Violations of this Subsection apply to individual units within buildings or complexes containing multiple units when the conduct occurs within a unit. Violations of this Subsection by persons occupying specific units that occur within a common area of the licensed premises shall apply both to the individual and the common area of the licensed premises.

B. The following ordinances and statutes are applicable to this Section:

1. Minn. Stat. §§ 609.321 - 609.3241, prohibiting prostitution;
2. Minn. Stat. § 609.33, which prohibits participation in a disorderly house;
3. Minn. Stat. § 617.23 - 617.299, prohibiting obscenity;
4. Chapter 6 of the City Code, prohibiting loud parties or gatherings or other unnecessary loud noises;
5. Minn. Stat. §§ 609.75 - 609.76, which prohibit gambling;
6. Minn. Stat. §§ 152.01 - 152.025 and § 152.027, Subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
7. Minn. Stat. Chapter 340A, which prohibits the unlawful sale, use or possession of alcoholic beverages;
8. Minn. Stat. §§ 97B.021, 97B.045, 609.66 - 609.67 and §§ 624.712 - 624.716, which prohibit the unlawful possession, transportation, sale, or use of weapon;
9. Minn. Stat. § 609.72, which prohibits disorderly conduct; or
10. Minn. Stat. §§ 609.221 - 609.223, 609.2231 and 609.224, which prohibit assaults, except that domestic assaults, as the same are defined by state law, are not included herein.

C. The Olmsted County Sheriff's Department or the City Administrator shall be charged with the responsibility of enforcing Division B of this Subsection.

D. Upon determination by the Sheriff's Department or City Administrator that the licensed premises were involved in a disorderly use, the City shall notify the license holder by mail of such violation and direct the license holder to take appropriate action to prevent further violations. Notice shall be effective if mailed to the license holder at that person's last known address. This and subsequent notices are collectively referred to as disorderly use notices.

E. If a second instance of disorderly use on the premises occurs within twelve (12) months of an incident for which a prior disorderly use notice was given, the license holder shall be notified of the instance of disorderly use and shall also be required to submit a written report of appropriate actions taken by the rental property owner to prevent further disorderly use of the premises. This written report shall be submitted to the City Administrator in writing within five (5) working days from the date of the notice of disorderly use of the premises within the preceding twelve (12) months. Failure to submit the written report as required

herein shall be a basis for the imposition of a fine and the revocation or suspension of the license or right to receive the license for the specific unit or units located on the licensed premises as otherwise provided for in this Subsection.

F. If a third instance of disorderly use of the premises occurs within twelve (12) months of two (2) or more prior disorderly uses notices, the license or right to obtain such license may be revoked or suspended for a specific unit or units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

G. If another instance of disorderly use of the premises occurs within twelve (12) months of the expiration of a prior suspension issued pursuant to the provision of this Section, the license or right to obtain such license may be revoked or suspended for the specific unit or units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

H. No suspension or revocation or other sanctions shall be imposed where one (1) or more of the three (3) required disorderly use notices were mailed or delivered to the landlord after the rental property owner has filed an eviction action (unlawful detainer action) with the District Court for the particular unit or units identified in the disorderly use notice. Calls to the Sheriff's Department made by rental property owners shall not be considered incidents of disorderly use in the implementation of this Subsection (D through G). The initiation of an eviction action (unlawful detainer action) shall not be a bar to sanctions, however, unless the action is diligently pursued by the rental property owner. Notice of and a copy of the eviction action (unlawful detainer action) shall be delivered to the Sheriff's Department. A determination that the licensed premises have been involved in a disorderly use as described in Division B of this Subsection shall be made upon a preponderance of the evidence. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Subsection.

I. This Subsection applies to all leases, whether written or oral, and a landlord may consider any tenant's conduct listed in Division B of this Subsection to be both a material breach of the lease and grounds for termination of any eviction action (unlawful detainer action). Additionally, all written leases executed after April 1, 2008, shall contain a clause providing that conduct that violates Division B of this Subsection constitutes both a material breach of the lease and grounds for termination of such lease.

J. This Section is not intended to supersede criminal sanctions that may be applied to the individual who violates the statutes and local legislation listed in Division B of this Subsection.

(Ord. 2008-2, passed 4-8-08)

Section 1030.12 License Suspension and Revocation.

A. Upon a determination that a license or right to obtain such license may be suspended or revoked or that a fine or other sanctions may be imposed, a public hearing shall be held before a body known as the Rental Housing Complaint Board. The Rental Housing Complaint Board shall consist of the Mayor, one (1) City Council Member, one (1) member of the Sheriff's Department and two (2) members who shall be rental property owners. All members of the Rental Housing Complaint Board shall be appointed annually by the City Council. All parties shall be offered an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place and issues involved. At this hearing, rental property owners may present evidence of mitigating circumstances showing the absence of any need for a public hearing before the City Council to consider the revocation or suspension of the license or right to receive such a license, or the imposition of fines or other sanctions. The Board shall in good faith hear and consider this evidence in making a determination regarding whether or not to hold a public hearing. At the conclusion of the hearing, the Board shall make a recommendation to the City Council regarding whether a need exists for a public hearing. The Board's recommendation must be submitted to the City Council for consideration. If the City Council determines to call for a public hearing to consider the issue of suspension or revocation, or the imposition of a fine, the City Council shall follow the procedures described in Division B of Subsection 1030.11.

B. No suspension or revocation shall be effective until the rental property owner has been afforded an opportunity for a hearing under Minn. Administrative Procedure Act §§ 14.57 - 14.70. Should the City Council hold a public hearing pursuant to the recommendation of the Rental Housing Complaint Board, all parties shall be afforded an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place, and issues involved. At this hearing, license holders may present evidence of mitigating circumstances that would allow a rental property owner to retain his or her license or the right to obtain such a license. The City Council shall in good faith hear and consider this evidence in making a determination to revoke or suspend the license or right to receive a license, impose civil penalties, or impose other reasonable conditions based upon violations of this Section. The City Council may postpone or discontinue such proceedings if it appears that the licensee has taken appropriate measures that will prevent further instances of disorderly use.

C. The City Council reserves the right to impose any of the following sanctions for violations of Subsection 1030.11:

1. Suspend the license or right to receive a license for up to sixty (60) days;
2. Revoke the license or right to receive a license and establish the time period after which an application for a new certificate for the premises may be made;

3. Impose a civil fine not to exceed an amount equal to one (1) month's rent for each violation found as a result of the hearings;
4. Impose other reasonable conditions intended to limit future incidents of disorderly use (including but not limited to requiring the property owner(s) and manager(s) to attend the Crime Free Housing sessions;
5. Upon expiration of the suspension or revocation period, a license holder shall pay to the City a reinstatement fee of \$100. This fee may adjusted with the annual fee schedule.

(Ord. 2008-2, passed 4-8-08)

1030.13 Prospective Tenant Background Investigations. The City Council has determined that there are persons residing in rental property, who engage in disorderly conduct, which results in a hostile environment for other citizens living in or close to the rental property. It is the declared purpose and intent of this Section to protect and reserve this City's neighborhoods and the public health, safety, welfare and morals of its citizens by requiring that all landlords conduct a criminal history/background investigation of prospective tenants. If a violation occurs as stated under Subsection 1030.11 and the licensee can not prove a background check was completed on the renter, the City may suspend or revoke the license.

(Ord. 2008-2, passed 4-8-08)