

ORDINANCE NO 1364

**AN ORDINANCE AMENDING CHAPTER 220 OF THE FRIDLEY CITY CODE
RELATED TO THE RESIDENTIAL RENTAL PROPERTY MAINTENANCE AND
LICENSING CODE**

THE CITY OF FRIDLEY DOES ORDAIN:

Section One. Amendment. Chapter 220 of the Fridley City Code is amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck-out~~ text shows the deleted wording.

**FRIDLEY CITY CODE
CHAPTER 220. RESIDENTIAL RENTAL PROPERTY MAINTENANCE
AND LICENSING CODE**

220.01. TITLE

This Chapter shall be referred to as the "Residential Rental Property Maintenance and Licensing Code".

220.02. PREAMBLE

The City believes that providing for public health, safety, and welfare to its citizens mandates the existence of a rental property licensing and maintenance program which corrects substandard conditions, and maintains a standard for rental property.

220.03. SCOPE

Except as provided herein, ~~This~~ Chapter applies to all buildings which are rented in whole or in part as a dwelling for persons other than the property owner's "family" as defined therein. It includes accessory-structures such as garages and storage buildings, and appurtenances such as sidewalks and retaining walls, which are on the lot where the rental property is located. ~~This Chapter does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, and nursing homes, nor to hotels and motels licensed by the City under Chapter 26.~~

220.04. PURPOSE

This Chapter establishes licensing, inspection and maintenance requirements for ~~property rented as dwelling units~~ rental dwellings.

220.05. DISCRIMINATION AND PRIVATE CONTRACTS

This ~~Ordinance~~ Chapter shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public health, safety and welfare. The City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the City to the provisions of this Ordinance. Nothing in this Ordinance precludes a Licensee from entering into a contract for the maintenance, repair, or management of a rental dwelling; in such cases,

however, Licensee will still be held responsible to ensure the condition of the property conforms with this Chapter.

220.06. DEFINITIONS

For the purpose of this Chapter, certain terms and words are defined. Words not specifically defined in this Chapter shall have their ordinary meanings within the context with which they are used. The referenced dictionary of the governing Building Code shall be considered as providing ordinarily accepted meanings.

Whenever the words "Dwellings", "Dwelling Unit", "Building", "Structure", or "Premises" are used in this Chapter, they shall be construed as though they were followed by the words, "or any part thereof".

The following words, terms, and phrases and their derivatives shall be construed as defined in this section; words used in the singular include the plural and the singular; words used in the masculine gender include the feminine and vice versa.

1. Accessory ~~Building~~ Structure or Use.

A subordinate building or use which is located on the same lot as principal building or use and is necessary or incidental to the conduct of the principal building or use.

2. Approved.

Approved as to construction, installation, and maintenance in accordance with all applicable codes and state statutes.

3. Basement.

That portion of a building between floor and ceiling which is partly below grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

4. Bedroom.

A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining area.

5. Building.

Any structure having walls and a roof, built for the shelter or enclosure of persons, animals, or property of any kind.

6. Clean.

The absence of rubbish, garbage, vermin, and other unsightly, offensive, or extraneous matter.

7. Compliance Official.

The designated authority charged with the administration and enforcement of this code, or his/her duly authorized representative.

8. Condominium.

A ~~multiple dwelling building containing multiple dwellings~~ in which portions are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. A building containing multiple dwellings is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

9. Dwelling.

~~A residential building, or portion thereof, but not including hotels, motels, lodging houses, recreational vehicles, tents, rest homes, convalescent homes, and nursing homes.~~ A building or one or more portions of a building occupied or intended to be occupied for residential purposes.

10. Dwelling, Multiple.

~~A residential building, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.~~ A building or one or more portions of a building occupied or intended to be occupied for residential purposes by two (2) or more families living independently of each other.

11. Dwelling, One-Family.

A detached building designed exclusively for occupancy by one (1) family.

12. Dwelling, Two-Family.

A detached building designed exclusively for occupancy by two (2) families living independently of each other.

13. Dwelling Unit.

A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

14. Easily Cleanable.

Readily accessible and of such material and finish, and so fabricated and placed that residue which may accumulate can be completely removed by normal cleaning methods.

15. Electrical System.

Any and all methods of transmitting electricity to and within any dwelling or dwelling unit.

16. Exit.

A continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, and yards.

17. Extermination.

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping, or by any other recognized or legal pest elimination methods approved.

18. Family.

~~An individual or two (2) or more persons related by blood, marriage, or adoption, including foster children, and bona fide domestic servants, subject to the following conditions:~~

- A. ~~More than five (5) unrelated persons, living in a dwelling unit shall not constitute a family.~~ An individual or two or more persons related by blood, marriage, or adoption, including foster children, in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings.
- B. ~~A group home which is a federal tax exempt, non-profit organization shall constitute a family whether or not the total persons other than the live-in staff or principal occupant exceeds five (5).~~ A group of not more than five (5) persons not related by blood or marriage living together in a dwelling unit.

19. Floor Area, Gross.

The sum of the gross horizontal area of the several floors of a structure or structures measured from the exterior faces and exterior walls or from the center line of common walls separating dwelling units. Basements devoted to storage and/or off-street parking shall not be included.

20. Functioning.

In such physical condition as to safely perform the service or services for which an item is designed or intended.

21. Governing Building Code.

The applicable edition of the Minnesota State Building Code.

22. Habitable Room.

A room or, enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes; excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, pantries, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, and attics.

23. Heated Water.

Heated water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

24. Heating, Ventilating and Air Conditioning Systems.

Any and all units, equipment, material, and miscellaneous devices used in the process of heating, ventilating, and air conditioning of any dwelling or dwelling unit.

25. Infestation.

The presence within or around a dwelling or dwelling unit of any insect, rodent, vermin or other pests.

26. International Building Code (I.B.C.)

Shall mean the code published by the International Code Council, Inc., and any materials referenced therein.

2627. Kitchen.

A habitable room within a dwelling unit intended to be used for the cooking of food or the preparation of meals.

28. Let, Operate or Rent.

To permit possession or occupancy of a dwelling or dwelling unit, whether or not compensation is paid, by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease.

2729. Licensee.

~~The owner or designated agent or operator of the rental dwelling who is issued a rental dwelling license for purposes of this Code.~~ The owner of property licensed as a rental dwelling pursuant to this Chapter.

2830. Living Room.

A habitable room within a dwelling unit which is intended to be used primarily for general living purposes.

2931. Lodging House.

Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor, or otherwise.

3032. Maintenance.

To keep in a good state of repair; to preserve from deterioration.

~~31. Multiple Occupancy.~~

~~The occupancy of a structure that supports, shelters or encloses more than one distinct use.~~

3233. Non-combustible.

Any material or a combination of materials which complies with the ~~most recent edition of the U.B.C.~~ current version of the Minnesota State Building Code, including the most recent adopted version of the International Building Code and International Residential Code incorporated therein by reference.

3334. Non-resident Owner.

An owner of a rental dwelling who does not reside or live in the rental dwelling.

3435. Nuisance.

A nuisance shall be any act as defined in Chapter 110 of the City Code.

3536. Occupancy.

The purpose for which a structure, or part thereof, is used or intended to be used.

3637. Occupant.

Any person residing in a dwelling or dwelling unit.

~~37. Operate.~~

~~As used in this Chapter, the term means to charge a fee or other form, of monetary compensation for the use of a unit in a rental dwelling or for the use of an accessory structure.~~

38. Operator, Manager, Caretaker, or Agent.

Any person who has charge, care or control of a structure, or part thereof, in which ~~condominiums exist or~~ rental dwelling units are let.

39. Owner.

Any person, firm, corporation, agent ~~or condominium association~~ who alone, jointly or severally with others ~~shall be in actual possession of, or have charge, care or control of any dwelling, dwelling unit or condominium within the City~~ having a legal or equitable interest in the property or recorded in the official state, county or city records has holding title to the property or otherwise having control of the property.

40. Person.

~~A natural person, that person's heirs, executors, administrators or assigns, and also a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.~~
An individual, corporation, firm, association, company, partnership, organization, or any other legal entity.

41. Plumbing System.

All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents, and any other similar fixtures and the installation thereof, together with all connections of water, sewer, or gas lines.

42. Premises.

A platted lot or portion thereof or an unplatted parcel of land and adjacent right-of-way either occupied or unoccupied by a building and/or accessory structure.

43. Property.

All land and structures and systems therein, platted lots or parts thereof or an unplatted parcel of land.

44. Proper Connection to an Approved Sewer System.

A functioning sewer connection free from defects, leaks or obstructions with sufficient capacity to drain all fixtures or appliances which feed into it. The sewer system must be capable of disposing of sewage in a safe, sanitary, and adequate manner.

45. Proper Connection to an Approved Water System.

A functioning plumbing connection free from defects, leaks or obstructions providing a potable, controllable flow of water.

46. Public Areas.

Those areas which are normally used by or open to the general public, regardless of access restriction by a locked exterior door.

47. Reasonable Care.

The treatment of all facilities, fixtures, equipment, and structural elements such that depreciation of these objects and materials is due to their age and normal wear rather than due to neglect.

48. Refuse.

Any solid or liquid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes, organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchens, dining rooms, markets, or food establishments of any places dealing in or handling meat, fowl, grain or vegetables; offal, animal excrete or the carcass of animals; tree or shrub trimmings; grass clippings, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, tires, junk; or other such substance which may become a nuisance.

49. Rental Dwelling or Rental Dwelling Unit.

A dwelling or dwelling unit and accessory structure (if any) let for rent or lease. The term rental dwelling shall include all dwelling units located within the rental dwelling.

50. Repair.

To restore to a sound and acceptable state of operation, serviceability or appearance in the determination of the City.

51. Retaining Wall.

A wall or structure constructed of stone, concrete, wood, or other materials used to retain soil, as a slope transition, or edge of a planting area.

52. Rodent Harborage.

Any place where rodents live, nest or seek shelter.

53. Rodent-Proof.

A condition where a structure or any part thereof is protected from rodent infestation by eliminating ingress and egress openings such as cracks in walls and holes in screens. For the purpose of this ordinance, the term "rodent-proof" shall be construed as though it included "insect-proof" and "vermin-proof".

54. Safe.

The condition of being free from danger and hazards which may cause accidents or disease.

55. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it; if there is no floor above it, the space between the floor and the ceiling above it. A basement is a story for the purposes of height regulations if one-half (1/2) or more of the basement height is above the level of the adjoining ground.

56. Structure.

Anything constructed or erected which requires location on or under the ground or attached to something having location on or under the ground.

~~57. Uniform Building Code (U.B.C.).~~

~~Shall mean the code published by the International Conference of Building Officials, and any materials referenced therein.~~

~~58~~57. Unsafe.

As applied to a structure, a condition or combination of conditions which are dangerous or hazardous to persons or property.

~~59~~58. Unsanitary.

Conditions which are dangerous or hazardous to the health of persons.

~~60~~59. Use.

The purpose for which land, a building, or structure is or is to be used or occupied, and shall include the performance of such activity as defined by the performance standards of this Chapter.

~~61~~60. Water Closet.

A toilet, with a bowl and trap made in one piece, which is connected to the City water and sewer system or other approved water supply and sewer system.

~~62~~61. Yard.

All ground, lawn, court, walk, driveway, or other open space constituting part of the same premises and on the same lot with a main building.

220.07. RESPONSIBILITY OF OWNERS

The owner of a dwelling or dwelling unit shall be responsible for the maintenance of that structure and for meeting the provisions of this Chapter. Those responsibilities may not be abrogated by a private agreement.

220.08. JOINT RESPONSIBILITIES OF OCCUPANTS AND OWNERS

1. No owner, operator, or occupant of any dwelling unit shall allow the accumulation or formation of dirt, filth, refuse, or rodent harborages on the premises which he ~~he~~ they occupies or controls in a manner that could create a health hazard to the dwelling occupants or the general public.

2. Nuisances: No owner, operator, or occupant of any dwelling unit shall allow the formation or presence of any nuisances in or about the premises he/she occupies or controls.

3. Conduct on licensed premises: Every owner, operator, or occupant of any dwelling unit shall conform to the provisions of Section 220.14 of this Chapter.

220.09. REMOVAL OF EQUIPMENT AND DISCONTINUANCE OF BASIC SERVICES

No owner, operator, or occupant shall cause any service, utility, facility, or equipment which is required under this Chapter, to be removed from or shut off from any occupied dwelling or dwelling unit except for such temporary interruptions as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

220.10. MINIMUM STANDARDS FOR PRINCIPAL STRUCTURES

1. Minimum Exterior Standards

A. Foundations, exterior walls, and roofs: The foundation, exterior walls, and exterior roof shall be water tight, rodent proof, and shall be kept in sound condition and repair. Every window, exterior door, and hatchway shall be substantially tight and shall be kept in sound condition and repair. The foundation shall adequately support the building at all points. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears, or breaks or from deteriorated plaster, stucco, brick, wood, or other material that is extensive and gives evidence of long neglect. The protective surface on exterior walls of a building above ground level shall be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:

- (1) The protective surface is paint which is blistered to an extent of more than twenty-five percent (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railings, and other such areas;
- (2) More than ten percent (10%) of the pointing of any chimney or twenty-five percent (25%) of the pointing of any brick or stone wall is loose or has fallen out.
- (3) More than twenty-five percent (25%) of the finish coat of a stucco wall is worn through or chipped away.

Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety. If a weather resistant surface such as brick, plaster, or metal is covered with paint that is more than twenty-five percent (25%) blistered, it shall be repainted unless the defective paint covering is removed in its entirety.

B. Accessory Structure Maintenance

Accessory structures supplied by the owner, operator, or occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and appearance. Exterior walls, foundations, roofs, and exits of an accessory structures shall be maintained in accordance with the standards set forth for principal structures.

C. Fence Maintenance

Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. If twenty-five percent (25%) or more of the painted surface of a fence is determined by the Compliance Official to be paint blistered, the surface shall be properly scraped and repainted.

D. Retaining Walls

Retaining walls shall be kept in good condition, repair, and appearance. A retaining wall shall be deemed out of repair when it has substantially shifted or slumped out of its original design position.

E. Yard Cover

All exposed areas surrounding (or within) a principal or accessory use, including street boulevards which are not devoted to parking, drives, sidewalks, patios, or other such uses, shall be landscaped with grass, shrubs, trees, or other ornamented landscape material and shall be maintained to prevent erosion from wind and/or water runoff. Such landscaping shall be maintained in good condition and free of noxious weeds. Grass and weeds may not exceed ten (10) inches in height at any time.

F. Gutters and Downspouts

Existing gutters, leaders, and downspouts shall be maintained in good working condition as to provide proper drainage of storm water. In no case shall storm water be channeled into the sanitary sewer system. Neither shall storm water, ice, or snow be directed into, or channeled across walkways or streets where it is likely to be a hazard to life or health.

G. Exterior Lighting

For multiple family dwellings, all exterior parking areas shall be provided with an average, maintained, horizontal illumination of six-tenths (0.6) foot candles. Parking lot illumination shall not be directed onto a public street or adjoining property.

H. Snow and Ice Removal

The owner of a dwelling containing two (2) or more dwelling units shall be responsible for cleaning and maintaining all walks, drives, and parking areas, and keeping steps free of any ice or any snow accumulations of two or more inches within 24 hours of the storm's completion.

I. Driving and Parking Areas

The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for occupants consistent with the City Code.

J. Facilities for Storage and Disposal of Refuse

Every owner of a residential property shall be responsible for providing and maintaining facilities for the storage and disposal of refuse and for arranging for the collection of this material as required by the City Code.

K. Grading and Drainage.

Every yard, court, or passageway on the premises on which a dwelling stands must be maintained in a way to prevent the excessive accumulation of standing water which constitutes a detriment to the health and safety of the occupants or the general public.

2. Minimum Plumbing Standards

All plumbing systems in every dwelling unit and in all shared or public areas shall be properly installed and maintained in a sanitary, safe, and functioning condition, and shall be properly connected to an approved sanitary system.

- A. Every fixture, facility, or piece of equipment requiring a sewer connection shall have a functioning connection, free from defects, leaks, or obstructions, and shall possess sufficient capacity to drain all other fixtures, facilities, or pieces of equipment which feed into it. The sewer system must be capable of conveying all sewage into the municipal sanitary sewer system.
- B. Every fixture, facility, or piece of equipment requiring a water connection shall have a functioning connection, free from defects, leaks, or obstructions. Each water connection shall possess sufficient capacity to adequately supply all fixtures, facilities, or pieces of equipment to which connected with an uncontaminated, controllable flow of water.

3. Minimum Electrical Standards: Every dwelling unit and all public and ~~public~~ private areas shall be supplied with electric service, functioning and safe circuit breakers or fuses, electric outlets, and electric fixtures which are properly installed and maintained in a safe working condition. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

- A. Dwellings containing one or two dwelling units shall have at least the equivalent of sixty (60) ampere, electric service per dwelling unit;
- B. Dwelling units shall have at least one fifteen (15) ampere branch electric circuit for each six hundred (600) square feet of dwelling unit floor area;
- C. Every habitable room shall have at least one floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of total floor area, and in no case less than two such electric outlets. Temporary wiring, extension cords, or drop cords shall not be used as permanent wiring. In cases where more than two outlets are required, one ceiling or wall-type light fixture may be substituted for one required outlet. Required outlets shall, insofar as possible, be spaced equal distances apart;

- D. Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture and every bathroom and laundry room shall contain at least one electric convenience outlet;
- E. Every public hall and stairway in every multiple family dwelling shall be adequately lighted by natural or electric light at all times, so as to provide illumination having an intensity of not less than one foot candle at floor level to all parts thereof. The lights in the public hall and stairway of dwellings containing not more than two dwelling units may be controlled by conveniently located switches instead of full-time lighting;
- F. A convenient switch for turning on a light in each dwelling unit shall be located near the principal point of entrance to such unit. A patio door entrance may be exempt if it is not a principal entrance.
- G. If provided, exterior electrical outlets shall be weather proofed. No electrical drop cords, extension cords, or electrical wires shall extend across a walkway or driveway, or otherwise create a hazard to pedestrians or vehicles.

4. Minimum Heating Standards

- A. All dwellings shall have primary heating facilities which are properly installed and maintained in a safe, efficient working condition and which are capable of maintaining a minimum indoor temperature of not less than 68 degrees F at a point 3 feet above the floor in all habitable rooms, bathrooms and water closet compartments in every dwelling unit location therein, during the period from October 15 through April 15, consistent with the Minnesota Cold Weather Rule. ~~at an outside temperature of -20 degrees F. at 36 inches above the floor in all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein.~~
- B. Gas or electric appliances designed specifically for cooking or water heating purposes, and portable heating equipment, shall not be considered primary heating facilities ~~within the meaning of this section~~ for the purposes of this Section.
- C. No owner or occupant shall install, operate, or use a heater employing a flame that is not installed and maintained in accordance with the manufacturer's specifications and applicable City and State Codes.
- D. Whenever the occupant lacks direct control over the primary heating facility to his/her dwelling unit, it shall be the responsibility of the owner to maintain minimum heating standards as set forth above.

5. Water Heating Standards: Every dwelling unit shall have supplied water heating facilities which are installed in an approved manner, properly maintained, and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facilities, or other similar units at a temperature of not less than one hundred ten degrees (110) Fahrenheit, forty-six degrees (46) Celsius, at any time needed. Water temperatures shall comply with but not exceed the standards stipulated in the most recently adopted Minnesota Energy Code.

6. Minimum Natural Light and Ventilation Standards: Every habitable room shall have window area of no less than eight percent (8%) of the floor area and at least one window facing directly outdoors which can be opened easily. At minimum, the total openable window area of every habitable room shall be four percent (4%) of the floor area of the room, and in no case less than four (4) square feet. In lieu of natural ventilation, a mechanical ventilating system may be provided which is capable of providing two air changes per hour, with twenty percent (20%) of the air supply taken from the outside. Every bathroom and water closet compartment shall have at least fifty percent (50%) of the openable window requirement otherwise appropriate for the floor area, except that no windows shall be required if such rooms are equipped with an exhaust fan connected directly to the outside, capable of providing five (5) air changes per hour. For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or twenty-five (25) square feet, whichever is greater. Windows shall not be required in kitchens of dwelling units when such kitchen has an opening of at least twenty (20) square feet into an adjoining habitable room and when such kitchen is provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room referred to above shall be of sufficient size so as to provide for the light and ventilation requirements of the kitchen area as well as for said adjoining habitable room.

7. Minimum Structural Standards

- A. Floors, Interior Walls, and Ceilings: Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin, rodents, and insects. Every floor shall be free of loose, warped, protruding, or rotted flooring materials and all floor covering shall be maintained in good condition. Every interior wall and ceiling shall be free of holes and large cracks, loose plaster, and blistered paint and shall be maintained in good condition. Lead based paints classified toxic to children shall not be used on wall or molding surfaces. Every toilet room, bathroom, and kitchen floor surface shall be easily cleanable and maintained in good condition.
- B. Stairways, Porches, and Balconies: Every stairway, inside or outside of a dwelling, and every porch or balcony, shall be kept in safe condition and sound repair. Every flight of stairs and every porch and balcony floor shall be free of structural deterioration. Every stairwell and every flight of stairs which is more than three risers high shall have at least one handrail approximately thirty to thirty-eight (30-38) inches high, measured vertically from the nose of the stair tread to the top of the handrail. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than thirty (30) inches above grade or floor below, and roofs used for other than service of the building shall be protected by a guardrail; guardrails shall be not less than thirty-six (36) inches in height. Open guardrails and open stair railings on unenclosed stairways shall have intermediate rails such that a sphere ~~six (6)~~ four (4) inches in diameter cannot pass through. Every handrail and balustrade shall be firmly fastened and maintained in good condition. A flight of stairs which has settled out of its intended position, or pulled away from the supporting or adjacent structures enough to cause a hazard, must be repaired. No flight of stairs shall have rotting, loose or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be uniform in width and height. Stairways shall be capable of supporting loads that normal use may cause to be placed thereon. The minimum dimensions that will be

accepted for existing stairways are as follows: rise not to exceed eight (8) inches in height, run of treads to be not less than nine (9) inches in depth.

- C. Windows, Doors, and Screens: Every window, exterior door, and hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window other than a fixed window or storm window, shall be capable of being easily opened. Every window or other device with openings to outdoor space which is used or intended to be used for ventilation shall be supplied with sixteen (16) mesh screens. All windows on basement and first floor levels shall have proper locking devices to prevent opening from the outside. All doors and door and window frames shall be free of blistered paint and shall be maintained in good condition. All door and window hardware and locks shall be functional and be maintained in good condition.
- D. Safe Building Elements: Every roof, floor, every porch and balcony, stairway, and every appurtenance thereto, shall be safe to use and capable of supporting loads that normal use may cause to be placed thereon.
- E. Access to Dwellings: Access to and egress from each dwelling shall be provided by at least one doorway that is a minimum of thirty-six (36) inches wide and eighty (80) inches high and otherwise complies with the fire exit provisions of the City's Fire Code.
- F. Minimum Ceiling Height: The ceiling height of any habitable room shall be at least seven (7) feet; except that in any habitable room under a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least seven (7) feet, and the floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
- G. Rooms Below Grade: A room located partly or wholly below grade may be used as a habitable room of a dwelling unit provided all of the requirements of this Ordinance are met. If a room below grade is used for sleeping purposes, an emergency escape or egress must be provided. Acceptable means of egress include:
- (1) Escape or rescue window with a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. The finished sill height shall not exceed 44 inches above the floor.
 - (2) Exterior-type door or hatch meeting the same minimum requirements as specified in 220.10.07. (G). (I).
- H. Door Locks and Security: All doors leading to public or shared areas from all dwelling units shall be provided with a single cylinder deadbolt lock, which must be operable from the interior without the use of a key or tool. Deadbolt, night latch or chain locks must be mounted at a height not to exceed 48" from the finished floor and a minimum of 34" from the finished floor. The deadbolt must be capable of being locked from the exterior of the unit. Manually operated flush bolts or surface bolts are not permitted. must be capable of being locked from the exterior of said unit. For the purpose of this section, a "deadbolt lock" is a locking bolt, which, when in the locked position, can only be moved positively by turning a knob, key, or sliding bolt. ~~Deadbolt locks having a bolt~~

~~moved by turning a key shall be of the five-pin tumbler type or an approved equivalent. Lock throw shall be not less than three-quarters inch (3/4"). Locks shall meet the requirements of the most current U.B.C.~~

8. Minimum Interior Standards

A. Kitchen Facilities: Every kitchen in every dwelling unit shall include the following:

- (1) A kitchen sink in good working condition and properly connected to an approved water supply system. It shall provide at all times an adequate amount of heated and unheated running water under pressure and be connected to an approved sewer system.
- (2) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be, adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
- (3) A stove and a refrigerator which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided that such stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator, or similar devices must be provided.

B. Toilet Facilities: Within every dwelling unit, there shall be a nonhabitable room with an entrance door which affords privacy to a person within said room and which room is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system.

C. Lavatory Sink: Within every dwelling unit, there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.

D. Bathtub or Shower: Within every dwelling unit, there shall be a nonhabitable room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

E. Every bathroom and water closet compartment shall have a least fifty percent (50%) of the openable window requirement otherwise appropriate for the floor area, except that no windows shall be required if such rooms are equipped with an exhaust fan connected directly to the outside, capable of providing five (5) air changes per hour.

9. Minimum Standards for Pest Extermination

- A. All openings in the exterior walls, foundations, basements, ground or first floors, and roofs shall be rodent-proofed in a manner approved by the Compliance Official.
- B. All windows used or intended to be used for ventilation, all other openings, and all exterior doorways which might provide an entry for rodents and insects, shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents and insects into the structure.
- C. All sewers, pipes, drains, or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rodents and insects to or from a building.
- D. Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed in a manner approved by the Compliance Official.
- E. The owner or operator of a dwelling unit shall be responsible for the extermination of rodents, insects, or other vermin on the premises. Anyone who controls pests in a structure must have a pest control license. Anyone who uses a restricted use pesticide must have a pesticide license to apply pesticides, in accordance with the requirements of the Department of Agriculture. If proper heat treatments are being used to eradicate bed bugs and the heat treatment is performed by the owner of the property and they are not using pesticides and are not charging the renter for the treatment, no license is required by the Department of Agriculture.

10. Minimum Energy Standards

Weatherization Requirements: All dwellings which are renter occupied during all or a portion of the months of November through April shall comply with the following weatherization requirements:

- A. Install weatherstripping between exterior operable window sash and frames and between exterior doors and frames. Weatherstripping is not required on storm doors or storm windows.
- B. Caulk, gasket, or otherwise seal accessible exterior joints between foundation and rim joist; around window and door frames; between wall and roof; between wall panels; at penetrations for utility services through walls, floors and roofs, and all other openings in the exterior envelope.

- C. Install storm windows on all single glazed exterior window units enclosing conditioned space.
- D. Install storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule, or other appurtenance provides a double door effect or provides an "R" value of two (2) or more.
- E. Install positive shut-offs for all fireplaces or fireplace stoves, unless an existing damper provides a positive shut-off.
- F. Install insulation in accessible attics to achieve a minimum total "R" value of the insulation of R-19. If there is insufficient space for the installation of the recommended "R" value, then the available space shall be insulated to capacity.
- G. Install insulation in accessible walls and floors enclosing conditioned spaces to achieve a minimum total "R" value of the insulation of R-11 when there is no insulation in a substantial portion of the exterior walls or floors over an unconditioned space. Accessible walls shall not include above grade foundation walls of basements. If there is insufficient space for the installation of the recommended "R" value, then the available space shall be insulated to capacity.

11. Occupancy Standards

Notwithstanding any private agreements between the landlord and occupant providing for more restrictive occupancy standards, the maximum occupancy standards shall be:

- A. No more than one family shall occupy a dwelling unit; and
- B. The maximum number of occupants in any rental dwelling unit shall not exceed the total of two times the number of bedrooms and the living room.

220.11. HAZARDS

The following are considered immediate hazards to the health, safety, and general welfare of the occupants of a dwelling unit.

1. Heating systems that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; not being properly vented; being connected with unsafe gas piping; or failing to meet the minimum heating standards set forth in Section 220.10.04.
2. Water heaters that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out or plugged flues; not being properly vented; being connected with unsafe gas piping; or lack of a properly installed and maintained temperature and pressure relief valve.
3. Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly taped or spliced wiring; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; or ungrounded systems or appliances.

4. Plumbing systems that are unsanitary due to: sewer backups; leaking waste system fixtures and traps; lack of water closet; lack of washing and bathing facilities; or cross connections of potable water supply and sewer lines.
5. Structural systems, walls, windows, chimneys, ceilings, roofs, foundations and floor systems that will not ~~safety~~ safely carry imposed loads or provide safe living conditions.
6. Refuse, garbage, human waste, decaying vermin, or other dead animals, or other materials rendering it unsanitary for human occupancy.
7. Infestation of rodents, insects, vermin, and/or other pests.
8. Missing or non-functioning smoke detectors and carbon monoxide detectors.
9. Using a room or rooms with no proper egress for sleeping.
10. A dwelling unit that is not serviced with functioning utilities.

220.12. FIRE SAFETY

1. Fire Exits.
 - A. All dwellings shall have required fire exits, maintained in fully operable condition, and readily accessible to occupant, as per the governing Building Code.
 - B. All exit stairways in multiple dwellings or condominiums having more than two (2) occupied levels shall be separated from each other by a substantial separation of at least a one hour fire resistance rating as detailed in the most recent edition of the U.I.B.C., or other approved one hours assembly.
 - C. All multiple unit dwellings or condominiums having more than ~~one~~ two (2) levels and where the lowest level is at an elevation less than grade and having the exit at grade level shall provide a substantial barrier constructed and placed so as to prevent a person from proceeding down the stairs to a level lower than the level of exit.
 - D. All multiple unit dwellings or condominiums with 25 or more dwelling units shall provide emergency lighting in the exit ways, corridors, and systems in accordance with Chapter 5-1021 of the N.F.P.A. Std. 101.
2. Automatic Alarms.
 - A. All multiple dwellings and condominiums having an excess of four (4) dwelling units shall provide a manually operated fire alarm system capable of alerting all the occupants of the structure. Each such alarm system shall be activated by a manual pull station located at each exit door and by an automatic device located in the utilities and/or room in which the primary heating system is located. Such device shall be a smoke detector, detecting products of combustion other than heat, and bearing the approval of the Underwriters Laboratories or Factory Mutuals Testing Service for such service, or the International Conference of Building Officials.

- B. Every dwelling unit within a dwelling or condominium shall be provided with a smoke detector, detecting products of combustion other than heat, and conforming to the requirements of the Underwriters, Laboratories or approved by the International Conference of Building Officials. When actuated, the detector shall provide an alarm in the dwelling unit.

3. Fire Protection System.

All fixed and portable fire protection systems and appliances must be accessible and maintained for immediate emergency use.

4. Prohibiting Inside Connection of External Appliances.

It shall be unlawful for an owner of a ~~residential rental property or condominium~~ rental dwelling to allow electrical drop cords, extension cords or any electrical wire to run from any electrical outlet from inside the dwelling or dwelling unit for service to an electrical appliance outside of the dwelling or dwelling unit.

220.13. LICENSING

1. License Requirement.

Except as otherwise provided herein, No person shall operate, let, or cause to be let, a rental dwelling or rental dwelling unit without first having obtained a rental license ~~to do so~~ from the City of Fridley ~~as hereinafter provided~~. Upon receipt of a properly executed initial application - ~~for licensing a rental license~~, the Compliance Official and/or his/her designated agent ~~may~~ shall cause an inspection to be made of the premises to determine whether the structure is in compliance with this Chapter Ordinance, other Fridley ordinances, and the laws and rules of the State of Minnesota. Each ~~such operating~~ rental license shall be issued annually and shall expire ~~on the anniversary~~ twelve months from the date of issuance. ~~License~~ Renewal applications shall be filed at least thirty (30) days prior to the license expiration date. Every rental dwelling including all rental units may be ~~reinspected~~ after a renewal license application is filed to determine if the premises still conforms to all applicable ordinances and codes.

2. Conformance

No ~~operating~~ rental license shall be issued or renewed unless the ~~residential rental property or condominium~~ rental dwelling conforms to the provisions of this Chapter, the ordinances of the City, and the laws, rules and regulations of the State of Minnesota.

3. Fees

- A. The annual license fee for a rental license shall be as provided in Chapter 11 of the City Code.
- B. Any rental inspection which requires three or more inspections or attempts for an inspection will be assessed an additional inspection fee. This fee will be charged starting on the third inspection and will ~~to~~ include attempts to inspect and for each subsequent inspection or attempt. The reinspection fee shall be as provided in Chapter 11 of the City Code for each reinspection needed after the initial inspection and the second inspection.

No license shall be issued or renewed until all outstanding ~~reinspection fees and fines in Section 220.15, Subd. 3,~~ have been paid, other than those which may be assessed against the property. If a rental dwelling or dwelling unit has been licensed, the license may be denied at the time of renewal or may be revoked or suspended in the manner described in Section 220.13.097.

- C. In order to restore a license for a rental dwelling or individual dwelling unit which has had its license denied at the time of renewal or revoked or suspended, the license application shall be accompanied by the license fee as provided in Chapter 11 of the City code. (Ref Ord 1213)
- D. A fee as provided in Chapter 11 of the City Code shall be paid when filing the license Transfer Form as required in Section 220.13.086. (Ref Ord 1213)
- E. Failure to obtain a rental license prior to letting or operating a rental dwelling or allowing a rental license to expire will result in a twenty-five percent (25%) addition to the rental license fee. Continued noncompliance with the licensing requirements may results in a criminal citation.

4. Owner, Agent, or Operator to Apply Application Requirements and Process.

A. Application Requirements. License application ~~or renewal~~ shall be made by the owner of record rental units or a legally constituted agent or operator of the property. Application forms may be acquired from and subsequently filed with the Compliance Official within the Community Development Rental Licensing/Inspections Division. The applicant shall supply the following information as well as all other information requested on the Rental License application:

A(1) Name, address, and telephone number and email address of the dwelling property owner if an individual and if an entity, the same information for at least one officer, manager, or director of the entity; partners of a partnership; corporate officers of a corporation. The City must be notified in writing within ~~five (5)~~ ten (10) days of any change of address or other requested information for the owner.

B(2)Name, address, and telephone number, and email address of a designated agent or operator. The City must be notified in writing within ~~five (5)~~ ten (10) days of any change of address or other requested information for the designated agent or operator.

C(3)Name, address, and telephone number of vendee if dwelling is being purchased through a contract for deed or mortgage (name of lender or financial institution holding mortgage). Contract for deed documentation and/or proof of filing in Anoka County must be provided with the application.

D(4)Legal description and address of dwelling address of the property where the rental dwelling is located.

~~E(5)~~ Number of units in each rental dwelling and the type of units (one (1) bedroom, two (2) bedroom, etc.) within each of the rental dwellings.

~~F(6)~~ The number of paved off-street parking spaces available (e.g. enclosed parking spaces, exterior parking spaces, and handicap parking spaces).

~~G(7)~~ Description of procedure through which tenant inquires and complaints are to be processed.

~~(8)~~ Each owner of a rental dwelling within the City, when the owner does not reside within the eleven-county metro area comprising of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright counties, must appoint a designated agent residing within the eleven-county area. The designated agent must be listed on the application and empowered by the property owner to perform maintenance and upkeep and empowered to institute emergency repairs for the rental dwelling. The Compliance Official shall be notified in writing within ten (10) business days of any change in designated agent.

B. Inspection Required. Licensed rental dwellings are at all times subject to the Compliance Official's right to inspect the rental dwelling and dwelling units to determine whether they are in compliance with the city code and state law. The Inspection Department shall set up a schedule of periodic inspections to ensure city-wide compliance with this Chapter. The Compliance Official shall provide reasonable notice to the owner or operator as to the date and time of the inspection. Every occupant of a dwelling unit shall give the owner or operator thereof, or his/her agent or employee, access to any part of such dwelling unit, or its premises, at reasonable times for the purposes of effecting inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Chapter. If any owner, operator, occupant, or other person in charge of a dwelling or dwelling unit fails or refuses to permit free access and entry to the structure or premises under his/her control for an inspection pursuant to this Chapter, the Compliance Official may seek a court order authorizing such inspection. The submission of a rental license application or the possession of a rental license issued by the City shall constitute agreement to such inspection by the owner identified on the rental license.

~~5. Agents for Emergency Repairs Required.~~

~~No operating license shall be issued or renewed for a nonresident owner of rental dwelling units unless such owner designates in writing to the Compliance Official the name of his/her resident agent or operator who is responsible for maintenance and upkeep and who is legally constituted and empowered to institute emergency repairs of the rental dwelling unit. The Compliance Official shall be notified in writing of any change of resident agent.~~

~~6. Inspection.~~

~~The Inspection Department shall set up a schedule of periodic inspections to ensure City-wide compliance with this Chapter. The Compliance Official shall provide reasonable notice to the owner or operator as to the date and time of the inspection. Every occupant of a dwelling unit shall give the owner or operator thereof, or his/her agent or employee, access to any part of such dwelling unit, or its premises, at reasonable times for the purpose of effecting inspection,~~

~~maintenance, repairs, or alterations as are necessary to comply with the provisions of this Ordinance. If any owner, operator, occupant, or other person in charge of a dwelling or dwelling unit fails or refuses to permit free access and entry to the structure or premises under his/her control for an inspection pursuant to this Ordinance, the Compliance Official may seek a court order authorizing such inspection.~~

75. Posting of License.

~~Every license of a multiple dwelling Licensees shall cause a copy of the rental license for the rental dwelling to be conspicuously posted in a frame with transparent protective covering in the main entry way of the rental dwelling or other conspicuous location therein, the current license for the respective multiple dwelling.~~

86. License Transferability.

~~No operating license shall be transferable to another person or to another rental dwelling without written approval of the Compliance Official. A license issued hereunder is transferable providing that the new owner, partners, or corporate officers submit to the Compliance Official within five (5) business days after legally acquiring ownership of the licensed rental dwelling(s), a License Transfer Form (supplied by the City), along with the required transfer fee. Failure to submit the license transfer form and the transfer fee shall result in the termination of the rental license. Rental licenses may be transferred upon completion of a license transfer application, payment of the license transfer fee, and written approval by the Compliance Official.~~

97. License Suspension, or Revocation, or Conversion to Provisional License.

~~The City may revoke, suspend, convert to a provisional license, deny, or decline to renew any rental license applied for or issued under this Chapter as detailed here.~~

- ~~A. Notification. Prior to suspension or revocation, the licensee (or his/her designated agent) and all occupants of units potentially subject to suspension or revocation, shall be notified in writing pursuant to Section 220.15 of this Chapter at least twenty (20) days prior to a hearing on the matter. The Compliance Officer shall send written notice to the licensee of the date and time of a hearing before the city council regarding any license application or any potential revocation, suspension, or conversion to a provisional license. Such notice shall be sent to the owner's and/or agent's address on file with the City and shall be sent not less than twenty (20) days from the date of any license-related hearing.~~
- ~~B. Hearing. A hearing shall be held before the Council or a hearing examiner appointed by the Council. Upon violation of any of the terms and conditions of a rental license, the city council may hold a license hearing for consideration of the suspension, revocation or conversion to a provisional license. At any such hearing, The hearing shall be conducted to meet the licensee and occupant's shall be provided with due process rights, including:~~
 - ~~(1) Allowing interested parties the right of legal representation, the right to present evidence, witnesses, and to cross-examine all adverse witnesses, and~~

- (2) Making a complete record of all proceedings, including findings of fact and conclusions of law.
- C. ~~Suspension, or Revocation, or Conversion to Provisional License.~~ Every ~~operating rental~~ license issued under the provisions of this ~~ordinance Chapter~~ is subject to suspension, ~~or~~ revocation, ~~or conversion to a provisional license~~ for the entire rental dwelling or for individual rental dwelling units, by the city council, should the licensee fail to operate or maintain the licensed rental dwelling(s) and dwelling units therein ~~consistent in~~ compliance with the provisions of this Chapter, all applicable ordinances of the City, and the laws and regulations of the State of Minnesota.
- D. ~~An operating~~ A rental license may also be suspended, denied, converted to a provisional license, not renewed, or revoked for any of the following reasons:
- (1) The license was procured by misrepresentation of material facts, by fraud, by deceit, or by bad faith.
 - (2) The applicant or one acting in his/her behalf made oral or written misstatements or misrepresentations ~~or of~~ of material facts in or accompanying the application.
 - (3) The licensee or applicant has failed to comply with any condition set forth in any other permits granted by the City of Fridley.
 - (4) The activities of the licensee in the licensed activity create or have created a serious danger to the public health, safety, or welfare.
 - (5) ~~The licensed business, or the way in which said business is operated, maintains or permits conditions that injure, annoy, or endanger the safety, health, morals, comfort, or repose of any member of the public. The rental dwelling, the building of which such dwelling is a part, or any portion thereof, contains conditions that might injure or endanger the safety, health or welfare of any member of the public.~~
 - (6) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the rental license.
 - (7) Failure to include the crime free/drug free lease addendum in all leases as required by this Chapter.
 - (8) A violation of any other term and condition of the rental license or of this Chapter.
- E. Effect of Suspension or Revocation. In the event that ~~an operating a rental~~ license is suspended or revoked by the city council for any violation under the provisions of Chapter 220 under Sections 220.7 to 220.12, it shall be unlawful for the owner or his/her duly authorized agent to thereafter permit any new occupancies of vacant, or thereafter vacated rental units, until such time as a valid operating license is restored to the affected units. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.

- F. Terms of Provisional License. At the time of approval of the provisional license, the city council shall approve a mitigation plan to address and prevent future license violations. The mitigation plan may include adding security measures, improving the exterior of the property, reducing or changing the hours of operation, holding neighborhood meetings, or other steps the city council deems appropriate.

~~108.~~ Posted to Prevent Occupancy.

Whenever any dwelling or individual dwelling unit has been denied a license, has had its ~~operating~~ license suspended or revoked pursuant to Section 220.1413, or is unfit for human habitation, it shall be posted with a placard by the Compliance Official to prevent further occupancy. No person, other than the Compliance Official or his/her representative, shall remove or tamper with any placard used for posting. The Compliance Official will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy.

~~119.~~ Failure to Obtain License.

If it is determined that a rental dwelling or rental dwelling unit is being operated without a valid license, an immediate inspection shall be conducted. It shall be unlawful for an owner, designated agent or operator, after notice sent first class mail, to continue operation of a rental dwelling unit without submitting an application for a license under this Chapter, along with the necessary license fee. Once an application has been made, it shall be unlawful for the owner, or his/her duly authorized agent, to permit any new occupancies of vacant, or thereafter vacated rental units until such time as the license is issued.

~~1210.~~ Issuance of Rental License.

If the rental dwelling is in compliance with all applicable ordinances of the City and the laws and regulations of the State of Minnesota, a license shall be issued to the present owner or his/her designated agent. If the City finds that the circumstances of the occupancy following the issuance of the license involve possible Code violations, substandard maintenance, or abnormal wear and tear, the City may reinspect the premises during the licensing period.

11. Additional License Conditions.

- A. Licensees must, as a continuing obligation of a license, maintain a current register of tenants and other person(s) who have lawful right to occupancy of rental properties. In its application, the licensee must designate the person(s) who will have possession of the register and must promptly notify the City of any change of the identity, address or telephone number of such person(s). The register must be made available for inspection by the City at all times.
- B. Licensees are responsible for the acts or omissions of their managers and operators.

- C. The licensee or manager is required to complete one educational course of the Crime-Free/Drug Free-Rental Housing Program, or similar course, as approved by the City Manager. The certification must be complete within one (1) year of initial license issuance and repeated once every five (5) years. Program attendees will be required to pay a participation fee in an amount determined to cover the cost of the program.
- D. The licensee or manager must provide all tenants with a written lease which must include the City approved crime free/drug free rental housing addendum. The lease and addendum must be made available for review by the City Manager or their designee upon request.
- E. All licensee or managers must complete a criminal background check on all occupants of a dwelling and provide proof of completion of said background check at the request of the City Manager or their designee.
- F. Licensees shall comply with state statutes regarding completion of background checks on all managers, caretakers and agents.

12. Exemptions

No rental license is required for the following:

- A. Hotels.
- B. Motels.
- C. Hospitals.
- D. State-licensed residential care facilities.
- E. Assisted living facilities.
- F. Nursing homes
- G. Single-family homes or duplexes in which the owner resides within a portion of the single-family home or duplex, and if the building is a duplex, only that portion of the building in which the owner resides is exempt. The other portion of the duplex requires a rental license.

220.14. CONDUCT ON LICENSED PREMISES

1. It shall be the responsibility of the licensee to take appropriate action following conduct by see that residents, guests, or other persons affiliated with the resident occupying a premises conduct themselves in such a manner and avoid engaging in illegal conduct so as not to cause the premises to be disorderly. For purposes of this section, a premises is disorderly when illegal conduct occurs on the premises including any of the following types of occupant(s) or guests of the occupant(s) which is in violation of any of the following statutes or ordinances illegal conduct in violation of the listed statutes:

- A. Minn. Stat. SS 609.75 through 609.76, which prohibit gambling.
- B. Minn. Stat. SS 609.321 through 609.324 which prohibit prostitution and acts relating thereto;
- C. Minn. Stat. SS 152.01 through 152.025, and S 152.027, subds.1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- D. Minn. Stat. S 340A.401, which regulates the unlawful sale of alcoholic beverages;
- E. Minn. Stat. S 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
- F. Minn. Stat. SS 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon; or
- G. Minn. Stat. S 609.72, which prohibits disorderly conduct.
- H. Fridley City Code 124.07, prohibiting public nuisance noises, and Chapter 110 of the City Code prohibiting public nuisances.
- I. Minn. Stat. SS 609.221, 609.222, 609.223, 609.2231, and 609.224 regarding assaults in the first, second, third, fourth, and fifth degree.
- J. Minn. Stat. SS 609.50 which prohibits interference with police officer;
- K. Minn. Stat. SS 609.713 which prohibits terroristic threats;
- L. Minn. Stat. SS 609.715 which prohibits presence of unlawful assembly;
- M. Minn. Stat. SS 609.71 which prohibits riot;
- N. Minn. Stat. SS 609.226 and 347.56, relating to dangerous dogs;
- O. Minn. Stat. SS 609.78 which prohibits interfering with “911” phone calls;
- P. Minn. Stat. SS 609.229 which prohibits crime committed for benefit of a gang;
- Q. Minn. Stat. SS 609.26, Subd. 1(8) which prohibits causing or contributing to a child being a runaway;
- R. Minn. Stat. SS 609.903 which prohibits racketeering;
- S. Minn. Stat. SS 607.23 which prohibits indecent exposure;
- T. Minn. Stat. SS 609.595 which prohibits criminal damage to property;

U. Minn. Stat. SS 152.027, Subd. 4, which prohibits unlawful sale or possession of small amounts of marijuana;

V. Minn. Stat. SS 260B.425 which prohibits contributing to the delinquency of a child.

Incidents where the victim and suspect are “family” or “household” members as defined in the Domestic Abuse Act, found in Minn. Stat. SS 518.01 and there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act or where the tenant is the victim of an order for protection violation under Minn. Stat. SS 518B.01, Subd. 14, shall not be considered “Disorderly Use” of the premises for purposes of requiring owners to proceed against a tenant who is the victim in such situations under the Crime Free/Drug Free Lease Addendum.

2. The Public Safety Director or his/her designee shall be responsible for enforcement and administration of this section determining when there has been an incident of illegal conduct that constitutes disorderly use of the licensed premises.

3. Upon determination by the Public Safety Director or designee that a licensed premises or an individual dwelling unit was used in a disorderly manner, as described in involved in a violation of subsection 1, or otherwise used in violation of the crime free/drug free lease addendum, the Public Safety Director or designee shall notify the licensee of the violation and direct the licensee or a legally constituted agent or operator to take steps to prevent further violations. Notice may be personally served on the licensee or legally constituted agent or operator, sent by certified mail to the licensee and legally constituted agent or operator’s last known address, or, if neither method of service effects notice, by posting on a conspicuous place on the rental unit and mailing a copy of the notice of the violation by first class mail of the violation. The notice shall and direct the licensee to take steps to prevent further violations. A copy of said notice shall be sent by first class mail to the occupant in violation of subsection 1. The owner shall notify the tenant or tenants within ten (10) days of the notice of violation of the disorderly use constituting a violation of the crime free/drug free lease addendum, and the owner shall take steps to prevent further disorderly use violations.

4. Upon a second violation within twelve (12) months of any one previous instance of disorderly use of a rental dwelling or dwelling unit as described in subsection 1, involving a guest of or an occupant of a dwelling unit, the notice provided under subsection 3 of this section notice of the disorderly use violation shall be sent to the property owner. The notice shall require the licensee to submit a written report of the actions taken, and proposed to be taken, to prevent further disorderly use violations on the premises. This written report shall be submitted to the Public Safety Director or designee within five (5) ten (10) business days of receipt days of request of such notice said report and shall detail all actions taken by the licensee in response to all notices regarding violations of subsection 1 within the preceding twelve (12) months. If the licensee fails to comply with all of the requirements of this subsection. If no written report is received within the required timeframe for the response, the rental dwelling license for the individual rental unit, rental license for the property or the individual dwelling unit may be denied, revoked, suspended, or not renewed, or converted to a provisional license. An action to deny, revoke, suspend, convert to a provisional license, or not renew a license under this section shall be initiated by the city council at the request of the Public Safety Director in the manner described in Section 220.13.079. The owner shall notify the tenant or tenants within ten (10) days of the notice of violation of the disorderly use constituting a violation of the crime free/drug free lease addendum, and owner shall take steps to prevent further disorderly use violations.

5. If a third or subsequent violation of subsection (1) involving residents, a guests, or other persons affiliated with the resident occupying an individual dwelling unit ~~of or an occupant of a dwelling unit~~ occurs within twelve (12) months after the first of any two (2) previous instances for which notices (pursuant to this section) were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, the rental license may be denied, revoked, suspended, converted to a provisional license, or not renewed. An action to deny, revoke, suspend, convert to a provisional license, or not renew a license under this section shall be initiated by the City Council at the request of the Public Safety Director in the manner described in Section 220.13.097.

6. No adverse license action shall be imposed if the violation ~~of~~ to subsection 1 occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, convert to a provisional license, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further violations to subsection (1) disorderly use of the premises. The owner shall notify the tenant or tenants within ten (10) days of the notice of violation of the disorderly use constituting a violation of the crime free/drug free lease addendum, and the owner shall take steps to prevent further disorderly use violations.

7. A determination that the licensed premises or dwelling unit has been used in violation of subsection (1) shall be made upon substantial a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to subsection (1), nor shall the fact of dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section.

220.15. COMPLIANCE

1. The City Manager shall designate the Compliance Official to administer and to enforce the provisions of this Chapter. The Compliance Official is hereby authorized to cause inspections on a scheduled basis and/or when reason exists to believe that a violation of this Chapter has been or is being committed.

2. Whenever the city determines that any dwelling or dwelling unit fails to meet the provisions of Section 220.07 through 220.1214 of this Chapter, the city may issue a compliance order setting forth the violations of this Chapter and ordering the owner, agent, operator, or occupant to correct such violation. This compliance order shall:

- A. Be in writing.
- B. Describe the location and nature of the violation in this Chapter.
- C. Specify a reasonable time in which violations must be corrected.

Be served on licensee. Service shall be sufficient if personally served, posted in a conspicuous place on or about the premises, or if mailed by first class mail to the licensee's last known address on file pursuant to Section 220.13.04.

3. The Compliance Official may investigate complaints relating to the rental dwelling or dwelling unit. The Compliance Official shall contact the owner or agent to verify that the owner or agent is aware of the complaint. If deemed necessary by the Compliance Official, an inspection of the unit may be conducted to determine if there are violations to this Chapter and other applicable ordinances of the city and the laws and regulations of the State of Minnesota. If the inspection reveals that an ordinance or code violation exists, the Compliance Official shall notify the owner or agent pursuant to subsection (2). Unless the correction or repair is an emergency case as regulated in Section 220.17.16, the owner or agent shall comply with the timeframes established in the Compliance Order; it is not expected that repairs or corrections are completed within twenty-four (24) hours.

220.16. EMERGENCY CASES

When a violation of Section 220.11 of this Chapter constitutes an imminent peril to life, health, safety, or property, the City may require immediate compliance and, if necessary, take appropriate action to correct the violation.

220.17. COLLECTION OF RECYCLABLES

Every owner of a multiple dwelling of 13 or more units or other units not serviced under the City contract for recycling services shall arrange and contract for at least monthly collection of recyclables to include at least newsprint, glass (food and beverage), aluminum, steel, and tin cans, and corrugated cardboard. A copy of the owner's contract for recycling services shall be submitted to the City in conjunction with the annual renewal of the rental license.

220.18. UNFIT FOR HUMAN HABITATION

1. Declaration.

Any structure dwelling or dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, infested, or which lacks provision for illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or general welfare of the occupants or to the public may be declared unfit for human habitation. Whenever any structure dwelling or dwelling unit has been declared unfit for human habitation, the City shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such structure dwelling or dwelling unit shall be revoked.

2. Vacated Dwelling.

It shall be unlawful for a vacant structure dwelling or dwelling unit, which has been declared unfit for human habitation, as provided above, to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the City. It shall be unlawful for any person to deface or remove the declaration placard from any such structure dwelling or dwelling unit.

3. Secure Unfit and Vacated Dwellings.

The owner of any structure dwelling or dwelling unit, which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety, or general welfare of the public and does not constitute a public nuisance. Any vacant dwelling or dwelling unit open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety, and general welfare of the public and a public nuisance within the meaning of this Chapter and Chapter 110.

4. Hazardous Building Declaration.

In the event that a dwelling or dwelling unit has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, then it may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes, Section 463.15-463.261.

220.19. EXECUTION OF COMPLIANCE CODES

Upon failure to comply with a compliance within the time set and no appeal having been taken, the city council may, by resolution, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be placed against the subject property and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429.

220.20. APPEAL

When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this Chapter, such person may appeal the compliance order as provided under Chapter 6 of the City Code. The filing of an appeal shall stay all proceedings, unless such a stay would cause imminent peril to life, health, safety, or property.

220.21. TRANSFER OF OWNERSHIP

Anyone securing an interest in the dwelling or dwelling until which has received a violation tag or compliance order shall be bound by the same without further service of notice and shall be liable to all penalties and procedures under this Chapter.

220.22. NO WARRANTY BY CITY

By enacting and undertaking to enforce this ordinance, neither the city nor its council, agents, or employees warrant or guarantee the safety, fitness, or suitability of any dwelling in the City, and any representation to the contrary by any person is a misdemeanor. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of the license.

220.23. SEVERABILITY

Every section, provision, or part of this Chapter is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision, or part thereof.

220.24. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.

It is a misdemeanor for any person to prevent, delay, or provide false information to the Compliance Official, or his/her representative, while they are engaged in the performance of duties set forth in this Chapter.

Section Two. Effective Date. This ordinance shall be effective followings its adoption and publication according to law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 10TH DAY OF DECEMBER 2018.



SCOTT J. LUND, MAYOR

ATTEST:



DEBRA A. SKOGEN, CITY CLERK

Public Hearing: November 26, 2018
First Reading: November 26, 2018
Second Reading: November 10, 2018
Publication Date: December 21, 2018