

ORDINANCE 75/14

**City of Elysian, Minnesota
Rental Housing Maintenance,
Inspection, and Licensing
Program**

City of Elysian, Minnesota
Rental Housing Maintenance, Inspection, and Licensing
Program Ordinance

Table of Contents

Division 1. Generally	Page 3
Division 2. Enforcement	Page 5
Division 3. Definitions	Page 7
Division 4. Deficiencies, Standards and Corrections	Page 11
Division 5. Licensing and Penalties	Page 18

DIVISION 1. GENERALLY

Section 1. Title and Short Title.

This Ordinance shall be known as “The Rental Housing Maintenance, Inspection and Licensing Program Ordinance of the City of Elysian, Minnesota” and is referred to herein as “this Ordinance”.

Section 2. Scope and Purpose of Standards.

(a) For the purpose of establishing uniform rules and regulations for rental housing, the most current revision of the International Property Maintenance Code is hereby adopted, confirmed and incorporated in this Ordinance as completely as if set out in full.

(b) In the event there is a conflict between the provisions of the Code adopted by reference within this Section and the other provisions of this Rental Housing Ordinance, the City’s Code of Ordinances shall prevail.

(c) *Legislative finding.* If it is hereby found that there exists in the City of Elysian structures used for human habitation which are not owner occupied and are now, or may become in the future, substandard with respect to structure, equipment, or maintenance, and further that such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions, and overcrowding, constitute a threat to public health, safety, and welfare requires the establishment and enforcement of minimum housing maintenance standards.

(d) *Purpose.* The purpose of this Ordinance is to protect, preserve, and promote the public health, safety, and the general welfare of the people of the City; to prevent housing conditions that adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying dwellings within the City of Elysian and which dwellings are not owned by said occupants; to provide minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; to preserve the value of land and buildings throughout the City; and to provide for the administration and enforcement thereof.

(e) *Discrimination and privacy.* This Ordinance shall be enforced in a nondiscriminatory manner and exclusively for the purpose of promoting public, as opposed to private, welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, this Ordinance is not intended to interfere with personal privacy or with private legal rights and liabilities, including without limitation landlord/tenant and lessor/lessee relationships, and in enacting and enforcing this Ordinance, 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 nonconformity of any premises in the City to the provisions of this Ordinance.

(f) *Application.* The provisions of this Housing Maintenance, Inspection and Licensing Program shall provide minimum requirements to safeguard health, property and public welfare by regulating and controlling the use, occupancy, location and maintenance of all buildings, structures and accessory structures within the City of Elysian, designed or intended to be used for human habitation; the applicable requirements contained herein shall apply to all rental structures, accessory structures, rooming houses, lodging and/or boarding houses, apartments and manufactured homes used for human habitation; and same shall not apply to owner occupied structures. Said provisions of this Ordinance shall apply irrespective of when such building may have been or may be considered altered, or repaired.

(g) *Conflict of Ordinances.* In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health ordinance or code of this City, the provision that establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(h) *Effect of partial invalidity.* If any subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

(i) *Alteration.* Existing buildings that are altered or enlarged shall be made to conform to Uniform Building Code (UBC) insofar as new work, alterations or enlargements are concerned. If the alterations are such that they cause or threaten to cause unsafe conditions in the unaltered portions of a building or threaten the safety or safe operation of other nearby structures, then said alterations are prohibited unless the affected structures are also brought into compliance with this and/or other appropriate codes.

(j) *Requirements for repair and replacement work.* Any person doing any repair and/or replacement work on any rental residential building, structure and accessory structure covered in the City of Elysian Building Code shall complete the repair and/or replacement work in compliance with the standards contained in the definitions of repair and/or replacement in the definitions section of this Ordinance.

(k) *Relocation.* Existing buildings that are moved or relocated shall be considered as new buildings and shall comply with all requirements of this Ordinance.

DIVISION 2. ENFORCEMENT

Section 1. Enforcement/Responsibilities.

(a) *Authority.* The Building Inspector is hereby authorized and directed to enforce all the provisions of this Ordinance.

(b) *Right of entry.* Upon presentation of proper credentials the Building Inspector or the Building Inspector's duly authorized representatives may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him by this Code.

(c) *Privacy.* The Building Inspector shall keep confidential all evidence exclusive of the inspection record, which the Building Inspector may discover or obtain in the course of any inspection made pursuant to this section and such evidence shall be considered privileged.

(d) *Responsibilities defined.*

(1) Every owner remains liable for violations of duties imposed by this Ordinance even though an obligation is also imposed on the occupants of the owner's building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Ordinance.

(2) Every owner, or the owner's agent, in addition to being responsible for maintaining the building in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two or more dwelling units.

(3) Every owner shall furnish and maintain approved sanitary facilities and shall furnish and maintain approved equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests.

(4) *Heating Rental Properties.* Every owner, operator or manager of any building who rents, leases or lets for human habitation any habitable room or unit contained within such building on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall have the capability of maintaining a minimum temperature of 70 degrees Fahrenheit between September 1 and June 1 inclusive, from a location within the room or unit at a point three (3) feet above the floor level and not closer than thirty-six (36) inches from any wall. The heating equipment shall be properly installed and maintained throughout the year.

(5) All occupants shall keep their premises in a safe and sanitary condition.

Section 2. Hazardous buildings.

All buildings or portions thereof which are determined to be substandard as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 1, Section 108-110 of the most recent revision of the International Property Maintenance Code.

Section 3. Posting to prevent occupancy.

The Building Inspector may post any rental building or structure under the Building Inspector's jurisdiction to prevent further occupancy of a building that is found to be in direct violation of this Ordinance. Posting will occur if any owner, agent, licensee or other responsible person has been notified by inspection report of the items which must be corrected within a certain stated, reasonable period of time and that the responsible person or persons has failed to correct the cited items. In cases of emergency, a building or premises may be immediately posted and the occupants, if any, evacuated. No person shall remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or dwelling that has been posted to prevent occupancy.

Section 4. Appeals.

Whenever the Building Inspector shall take action which is disputed, or when it is claimed that the provisions of this Ordinance do not apply or that the true intent and meaning of this Ordinance have been misconstrued or wrongfully interpreted, the aggrieved party may appeal within thirty (30) days from the date of decision of the Building Inspector to the Board of Appeals. Actions of the Board may also be appealed to the Courts for final decision.

Section 5. Procedure for conduct of hearing appeals.

(Reference Elysian City Zoning Ordinance, Section 4.0, Board of Appeals).

Section 6. Permits and Inspections.

The following repairs are exempt from building permit requirements, if they do not affect or involve any plumbing, electrical, mechanical, structural or subsurface member and if the repair returns the affected area to its intended original condition:

- Paint
- Gutters/Downspouts
- Trim/Moldings/Shutters/Decorations
- Glass (but not window frames)
- Weather-stripping/Caulking/Tuck Pointing
- Walks/Landscape Masonry (if not on City easement)
- Non-Structural Hardware
- Finish Flooring/Carpets

Door Slabs (but not door frames)
Fences (when under 6' in height)

DIVISION 3. DEFINITIONS

Section 1. Definitions.

Terms, words, phrases and their derivatives used but not specifically defined in this code shall have the meaning defined in the Minnesota State Building Code.

Accessory Building or Structure: Accessory building or structure shall mean a detached building or structure in a secondary or subordinate capacity from the main building or structure on the same premises.

Apartment House: Apartment house is any building, or portion thereof, that is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other performing their own cooking services in the apartment house. Said definition included the rented portion of an owner/occupied duplex.

Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.

Board of Appeals: Board of Appeals, when used herein, shall mean the Board of Appeals of the City of Elysian.

Boarding House: A dwelling unit where lodging with or without meals is provided for compensation and occupied by three (3) or more persons, but not to exceed eight (8) persons.

Building: Any structure having a roof supported by columns or walls. When divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Official: The Building Official shall be defined as the person or persons designated as Building Inspector by the City Administrator.

Bulk Container: Bulk Container shall mean any metal garbage, rubbish and/or refuse container having a capacity of two (2) cubic yards or greater and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.

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

Dormitory: Dormitory shall mean a building or group of rooms in a building used for institutional living and sleeping purposes by four (4) or more persons.

Dwelling: Dwelling shall mean any space wholly or partially used or intended to be used for living, sleeping, cooking, and eating: provided that temporary housing as hereinafter defined

shall not be classified as a dwelling. Industrialized housing and modular construction which conform to nationally accepted industry standards and used or intended for use for living, sleeping, cooking and eating purposes shall be classified as dwellings. Single-family, two-family and multiple family dwellings are as follows:

(a) Dwelling, Single-Family. A residential building containing one (1) dwelling unit including detached, semi-detached and attached dwelling.

(b) Dwelling, Two-Family. A residential building containing two (2) dwelling units including detached, semi-detached and attached dwelling.

(c) Dwelling, Multiple Family. A building or portion thereof containing three (3) or more dwelling units, but not including a motel, hotel, or rooming house.

Dwelling Unit: One (1) or more rooms arranged for residential use containing cooking, living, sanitary and sleeping facilities, permanently installed, which are arranged, designed, used or intended for use as living quarters for one (1) family and for not more than an aggregate of two (2) roomers or boarders.

Efficiency Living Units: Efficiency living unit is any room having cooking facilities used for combined living, dining and sleeping purposes and meeting the requirements of Section 404.6 Exception, of the Uniform Housing Code.

Egress: Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

Family: One (1) or more persons related by blood, marriage or adoption, including foster children, or a group of not more than four adult individuals (excluding personal care attendants, in accordance with Minnesota Statutes, Sections 256B.04, Subd. 6 and 256B.0625, Subd. 19 and Minnesota Rules, Rule 9505.0335), maintaining a common household in a dwelling unit.

Guest: Guest shall mean an individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

Habitable Room: Habitable room shall mean 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, pantries, kitchenettes, utility rooms of less than fifty (5) square feet of floor space, foyers, or connecting corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas. All habitable rooms shall comply with all the provisions contained herein.

Hot Water: Hot water shall mean water at a temperature of not less than 110 degrees Fahrenheit.

Household: A household shall mean a family as defined in this subdivision.

Kitchen: Kitchen shall mean any room used for the storage, preparation, and serving of food and that contains at least the following equipment: sink, stove or microwave oven, refrigerator, cabinets and/or shelves, and a counter or table.

Kitchenette: Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

Multiple dwelling: A building of any size or type occupied by more than four (4) families, including boarding houses and rooming houses. "Multiple dwelling" does not include hotels, motels, hospitals and homes for aged.

Nuisance: The following shall be defined as nuisances:

(a) Any public nuisance known in common law or in equity jurisprudence.

(b) Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This included any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

(c) Whatever is dangerous to human life or is detrimental to health.

(d) Overcrowding a room with occupants.

(e) Insufficient ventilation or illumination.

(f) Inadequate or unsanitary sewerage or plumbing facilities.

(g) Uncleanliness.

(h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

Occupant: Any person, firm, partnership, corporation, association, organization, corporation or other who shall be in actual possession or have charge, care or control of any dwelling within the City.

Ordinary Summer Conditions: Ordinary Summer Conditions shall mean a temperature of not higher than ninety-two (92) degrees Fahrenheit.

Ordinary Winter Conditions: Ordinary winter conditions shall mean a temperature of not lower than minus eighteen (-18) degrees Fahrenheit.

Owner: Any person, firm, partnership, corporation or other association who alone, jointly, or severally with others is the fee owner of record of any dwelling or dwelling unit within the City or any trustee or guardian or other representative of the fee owner, Contract for Deed vendee or, holder of a life estate.

Person: The word “person” shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word “person” is used in any section of this Ordinance prescribing a penalty or fine as to partnerships or association, the word shall include the officers, agents or members thereof who are responsible for any violation of such section.

Plumbing: Plumbing shall mean any and all equipment, fixtures, and connections made to water, sewer or gas lines including but not limited to the following: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents, valves and connectors.

Premises: Premises shall mean a parcel of land either occupied or unoccupied by any structure or structures.

Privacy: Privacy shall mean the existence of conditions that will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight, sound or presence by unwanted individuals.

Properly Connected: Properly connected shall mean connected in accordance with accepted industry standards and/or all applicable code and ordinances of this City as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

Repair: Repair shall mean to restore to a sound, acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

Replace or Replacement: Replace or replacement shall mean to remove an existing item or portion of a system and to construct or install a new item of a quality similar to that of the existing item when it was new. Replacement ordinarily takes place when repair of the item is impractical.

Rooming House: Rooming House shall mean any dwelling other than a hotel or motel or that part of any dwelling containing one (1) or more rooming units, and/or one (1) or more dormitory rooms in which persons either individually or as families are housed without the provision of meals.

Space Heater: Space Heater shall mean a self-contained, heating appliance of either the convection or radiant type and intended primarily to heat only a limited space or area such as one (1) room or two (2) adjoining rooms.

Temporary Housing: Temporary Housing shall mean any tent, trailer, manufactured home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Water Closet: Water Closet shall mean a toilet bowl that is flushed with water that has been supplied under pressure and equipped with a water sealed trap above the floor level.

DIVISION 4. DEFICIENCIES, STANDARDS AND CORRECTIONS

Section 1. Built-in deficiencies exempt.

The following are built-in deficiencies and shall be exempt from compliance with the Code; provided, that such built-in deficiencies were in compliance with a building code at the time of construction and/or do not pose a hazard.

(a) *Ceiling heights:* Any existing habitable room with less than a seven and one half (7.5) foot ceiling height shall be considered a built-in deficiency which is beyond reasonable correction.

(b) *Superficial floor areas:* Any existing habitable room of less than ninety (90) square feet shall be considered a built-in deficiency and beyond reasonable correction but in no case shall the required natural light and ventilation be less than five percent (5%) of the floor area.

(c) Any existing habitable room with window area less than ten percent (10%) of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required natural light and ventilation be less than five percent (5%) of the floor area.

Section 2. Space and occupancy standards.

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

(a) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:

(1) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the City of Elysian.

(2) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not in ordinary summer conditions require refrigeration for safe keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

(3) A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than forty-five (45) degree Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/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, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.

(b) Within every dwelling unit that shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a 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 properly connected to a sewer system which is approved by the City of Elysian. The room shall have an operable window or mechanical ventilation sufficient to provide the equivalent of five (5) air exchanges per hour.

(c) 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 properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the appropriate authority. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

(d) Within every dwelling unit there shall be a 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 a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

(e) Private stairways having less than four (4) risers and serving one individual unit need not have handrails. Decks and stairways shall have guardrails and handrails per Minnesota State Building Code.

(f) Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.

(g) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(h) No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors and windows of the dwelling or dwelling unit are equipped with appropriate, functioning locking devices.

(i) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting

the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

(j) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight and damp free, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint that is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants.

(k) Every premises shall be graded, drained free of standing water, and maintained in a clean, sanitary and safe condition.

(l) Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition so as to provide proper drainage of storm water.

(m) Every window, exterior door and hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.

(n) Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained in a rat-free and rat-proof condition.

(1) All openings in the exterior walls, foundations, basements, ground or first floors and roofs that have a half-inch diameter or more opening shall be rat-proofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items such as trees or vines or by burrowing.

(2) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level, and all exterior doorways which might provide an entry for rats, shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the structure.

(3) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.

(4) Any materials used for rat-proofing shall be acceptable to the Building Inspector.

(o) All fences shall be constructed of approved fencing materials. Wood materials shall be protected against decay by use of paint that is not lead-based paint or by other preservative material. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the City of Elysian and the State of Minnesota. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.

(p) Accessory structures present or provided by the owner, agent, or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.

(q) Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition. All waste system clean-out plugs must be easily accessible.

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

(s) Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this Ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the City of Elysian and State of Minnesota.

(t) No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this Ordinance to be removed from or shut off from or discontinued from any occupied dwelling or dwelling unit let or occupied by said person; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(u) All construction, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances and regulations dealing with fire protection of the City of Elysian and State of Minnesota.

Section 3. Occupancy standards.

Permissible occupancy of a dwelling unit: The maximum permissible occupancy of any rental dwelling unit shall be determined as follows:

(a) Minimum space: For the first two occupants, two hundred twenty (220) square feet of habitable room floor space and for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor space.

(b) Maximum occupancy: In no event shall the total number of occupants exceed two (2) times the number of habitable rooms, less kitchen, in the dwelling unit.

(c) Occupancy of sleeping rooms: In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room

floor space: Seventy (70) square feet for one (1) person; ninety (90) square feet for two (2) persons; and the required habitable room floor space shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

Section 4. Structural Requirements.

(Reference Chapter 3, most current revision of the International Property Maintenance Code).

Section 5. Mechanical Requirements.

(Reference Chapter 6, most current revision of the International Property Maintenance Code).

Section 6. Exits.

(Reference Chapter 7, most current revision of the International Property Maintenance Code).

Section 7. Fire Safety.

(Reference Chapter 7, most current revision of the International Property Maintenance Code).

Section 8. Correction of Immediate Hazards.

No occupancy shall be permitted of any dwelling unit if vacant and an immediate hazard exists. If the dwelling unit is occupied and an immediate hazard exists, immediate corrective action shall be taken by the occupant, owner, agent of the owner or other responsible persons. The dwelling unit may be ordered vacated if no immediate corrective action is taken and the occupant, owner, agent of the owner or other responsible person fails to comply with any order to correct any immediate hazard.

Immediate hazards to health and safety for human occupancy shall include but not be limited to the following:

(a) Heating systems that are unsafe due to: burned out or rusted heat exchanges (fire box); burned out or plugged flues; no vent; connection with unsafe gas supplies; lack of proper gauges and relief valves; lack of fuel or use of improper fuel; or incapacity to adequately heat the living space.

(b) Water heaters that are unsafe due to: burned out or rusted heat exchanges (fire box); burned out, rusted or plugged flues; no vent; connection with unsafe gas supplies; lack of fuel or use of improper fuel; or lack of temperature and pressure relief valves with proper diverter pipe.

(c) 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; ungrounded systems; disconnection of service to the dwelling.

(d) Plumbing systems that are unsanitary due to: leaking waste systems, fixtures and traps; lack of a water closet; lack of washing and bathing facilities; cross connection of pure water supply with fixtures, private well, or sewage lines; or the lack of water.

(e) Structural systems, walls, chimneys, ceilings, roofs, foundation and floor systems that will not safely carry imposed loads.

(f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering residential buildings and structures unsanitary for human occupancy, including lack of light and air.

(g) Infestation of rats, insects, and other vermin.

Section 9. Smoke detectors required.

Smoke detectors are required by the Uniform Fire Code (UFC) in all dwelling units used for sleeping purposes within the city, regardless of date of construction. Smoke detectors shall be installed and maintained in compliance with NFPA Standards.

Working smoke detectors are required in the following locations:

Existing residential properties with or without rental license,

A. On the ceiling or wall at a point of centrally located in the corridor or area giving access to each separate sleeping area.

B. Where sleeping areas are on an upper level, the detector shall be placed in the center of the ceiling directly above the stairway.

C. In the basement of any dwelling units having a stairway that opens from the basement into the dwelling.

Detectors may be battery operated, hardwired, or both.

EXCEPTION: With the written approval of the inspector, small apartments/dwelling units may have required smoke detectors placed inside of bedrooms rather than outside of bedroom(s) when the required placement will result in excessive false alarms.

New Construction and rental property licensed after date of adoption of this code,

- A. One working smoke detector on each level of the residence.
- B. One working smoke detector adjacent to each bedroom or group of bedrooms on each floor.
- C. One working smoke detector in each sleeping room.

An activation of any detector must be audible in all sleeping rooms. If the activated detector(s) are not audible in all locations, the detectors must be interconnected. All detectors must be hardwired with battery backup.

Registered Occupants of each rental unit shall give written notice to the license holder, or their agent, of any non-functioning smoke detector within 24 hours of discovering the non-functioning smoke detector. Each registered occupant is responsible for notifying the license holder, or their agent, or for insuring the required notice is made. A copy of the notice to the license holder, or their agent, shall be provided to the Building Official. Failure to notify a license holder, or their agent, of a non-functioning smoke detector is a petty misdemeanor.

Anyone who willfully disables a smoke detector or causes it to be non-functioning is guilty of a misdemeanor.

Section 10. Structural and life safety standards.

Compliance with the structural and life safety portions of any housing maintenance inspection required by this Ordinance shall be in accordance with the Building Code in effect at the time of original construction, provided there is no significant danger to health and safety at the time of inspection.

If no building requirements were in effect at the time of construction or the requirements cannot be determined, compliance shall be made to the extent necessary to eliminate significant danger to health and safety.

DIVISION 5. LICENSING AND PENALTIES

Section 1. License required.

No person, firm or corporation shall operate a rental dwelling in the City without having first obtained a license as hereinafter provided from the Building Official. Each such licensee shall register annually with the City Administrator. If the license is denied, no occupancy of dwelling units then vacant or which become vacant is permitted until a license has been issued. Apartment units within an unlicensed apartment building for which a license application has been made and which units are in compliance with the provisions of this ordinance may be occupied provided that the unlicensed units within the apartment building do not create a hazard to the health and safety of persons in occupied units.

Section 2. License procedures.

Within sixty (60) days after the passage of this Ordinance, the owner of any rental unit within the City of Elysian shall apply to the City Administrator for a rental housing license in the manner hereafter prescribed.

(a) Application shall be made on forms provided by the City and accompanied by the initial fee in an amount set by Resolution of the City Council. The owner of an apartment building or rental home constructed after the date of passage of this Ordinance shall obtain a license prior to actual occupancy of any rental unit therein.

(b) Applicants shall provide the following information on license applications:

(1) Name and address of the owner of the rental dwelling and the name and address of the operator or agent actively managing said rental dwelling.

(2) The name and address of the vendee if the rental dwelling is being sold on a Contract for Deed.

(3) The address of the rental dwelling.

(4) The number and kind of units within the rental dwelling, the floor area for each such unit and the total floor area of the building.

(5) The number of paved off-street parking spaces available.

(6) Name and address of person to whom owner/applicant wishes correspondence to be sent.

(7) Such other information as the Planning and Zoning Department staff shall require.

Section 3. Application and Inspection.

Upon receipt of a properly executed application for a rental housing license, the City Administrator shall cause scheduling of an inspection to be made of the premises to insure that the structure is in compliance with the requirements of the Ordinance.

Section 4. Compliance Order.

Whenever the Building Official determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this Ordinance, he may issue a Compliance Order setting forth the violations of the Ordinance and ordering the owner, occupant, operator, or agent to correct such violations. This Compliance Order shall:

- (a) Be in writing;
- (b) Describe the location and nature of the violations of this Ordinance;
- (c) Establish a time for the correction of such violations;
- (d) Include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to Section 9 of this Ordinance;
- (e) Be served upon the owner or owner's agent or the occupant, as the case requires. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - (1) Served upon him/her personally, or
 - (2) Deposited in the U.S. Post Office addresses to the last known address of the owner with postage prepaid, certified, return receipt requested, or
 - (3) Upon failure to effect notice by personal service or mail, posted at a conspicuous place in or about the dwelling that is affected by the notice.

Section 5. Issuance of rental housing license.

If the rental dwelling is in compliance with the requirements of the Ordinance, a license shall be issued to the present owner, occupant or agent which shall state that the structure has been inspected and is in compliance with the requirements of the Ordinance. The present owner or any agent designated by the present owner or occupant shall obtain a license. If the City finds that the circumstances of occupancy following the issuance of the license involve possible violations, substandard maintenance or abnormal wear and tear, the City may again inspect the premises during the licensing period.

Section 6. License display.

A license issued under this Ordinance shall be conspicuously displayed on the rental premises wherever feasible. The licensee shall promptly produce the license upon demand of a prospective tenant or the Building Official and his/her authorized representative.

Section 7. License transfer.

The license is transferable upon application to the City Administrator. The Building Official shall assure that the licensed premises is in compliance with the Ordinance. The license shall terminate if renewal or application for transfer is not made within thirty (30) days after transfer of ownership of the dwelling unit.

Section 8. License renewal.

Registration of the license as required annually by this Ordinance may be made by filling out the required renewal form furnished by the City Administrator to the owner, operator or agent of a rental dwelling and by mailing the form together with the required registration fee to the City Administrator. Such renewal or registration may be made only when no change in the ownership, operation, agency or type of occupancy as originally licensed has been made and where there has been inspection within the last three (3) years.

Section 9. Suspension or revocation.

A license issued or renewed under this section may be revoked or suspended upon a finding of noncompliance with the provisions of this Ordinance. Reinstatement of a suspended license shall be accompanied by an amount equal to fifty percent (50%) of the license fee. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.

Section 10. License fees.

An inspection is required for the initial license and once every three years unless there is a complaint or a transfer of ownership of the dwelling. Registration is required yearly. The inspection fee and the registration fee is provided on the City of Elysian fee schedule.

Section 11. Penalties.

Violation of any provision of this Rental Housing Maintenance, Inspection and Licensing Program Ordinance is a misdemeanor and upon conviction penalties provided for according to State Statute.

In addition to the above:

If an owner of a rental dwelling is determined by the Building Official to be in noncompliance with this Ordinance, the Inspector may order the owner to cease from renting and

vacated dwelling units until compliance is achieved. The Building Official may also order the tenants of any noncomplying owner to pay their rent to an escrow account of an amount deemed by the Building Official as adequate to pay for the work required to successfully comply with the Ordinance. These monies will be released as items are completed to the satisfaction of the Building Official. The City Attorney shall review these situations.

These penalties are separate from other fines and penalties listed elsewhere in the City Code and may be applied concurrently with other penalties where appropriate.

Section 12. Implementation.

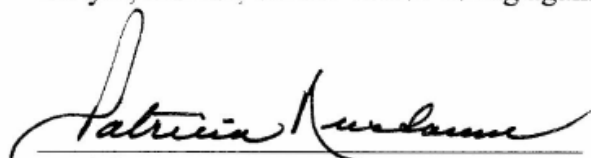
The Licensing/Inspection Program shall be implemented in phases as follows:

(a) For all rented residential dwelling units, the requirements for licensing shall be in force when this Ordinance goes into effect. The owner shall be notified by the Building Inspector of an initial inspection to be scheduled within 90 days after this ordinance goes into effect.


(b) Upon receipt of the application and appropriate fee, the City Administrator shall issue a conditional license until an inspection of the unit(s) is completed. Upon compliance of all dwelling units in a building with Code, the annual license shall be issued.

(c) Upon written notification of any and all possible Housing Code and Ordinance violations, the Building Official shall deem such notifications as priority and shall perform the necessary inspections to determine if the alleged violations exist.

Passed this 12th. day of May, 2014 with the following voting in favor. Mc Broom, Opsahl, Thayer, Ziemer, Stoen. Those voting against: None.



Patricia Nusbaum, City Administrator



Clinton Stoen, Mayor