

CHAPTER 170: RENTAL LICENSING CODE

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GENERAL PROVISIONS

§170.01 TITLE.

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

§170.02 SCOPE.

(A) This Chapter applies to any building which is rented in whole or in part as a rental dwelling unit. This Chapter does not apply to state licensed hospitals, rest homes/nursing homes, hotels and motels located within the City, homes for the aged, assisted living facilities, rental units owned by Clarkfield HRA, Clarkfield EDA, licensed in-home residential care facilities, dwelling units occupied by the owner as the owner’s primary residence and by one or more other persons who are not owners of the dwelling unit, and private residences occupied by a person or persons related by blood, marriage, or adoption as herein defined, to the owner of the property.

(B) The provisions of this Chapter shall apply to all matters affecting or relating to the maintenance and occupancy of residential rental structures and premises in the City, except that where the provisions of this Chapter may conflict with other provisions of this Code, the most restrictive provisions shall govern. These provisions shall apply to all existing structures and premises unless otherwise specifically provided for herein.

§170.03 PURPOSE AND INTENT.

The City recognizes a need for an organized inspection program of residential rental units within the City in order to establish minimum standards for rental units to meet City and State safety, health, fire, and zoning codes within the City and to provide a more efficient system for compelling landlords to correct violations and properly maintain rental dwelling units within the City. The City recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and certification of all residential rental units within the City so that orderly inspection schedules can be undertaken by appropriate City officials.

§170.02 DEFINITIONS OF TERMS.

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 ordinary 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. For the purposes of this Chapter only, the following definitions shall apply.

ACCESSORY BUILDING OR USE. A use or structure or portion of a structure, subordinate to and serving the principal use or structure on the same lot.

ADULT. A person 18 years of age or older.

APARTMENT BUILDING. A residential building containing three or more dwelling units, most commonly occupied by tenants in a rental arrangement, with common walls, and separate housekeeping and cooking facilities each.

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

BASEMENT. A portion of a building located entirely or partly underground but having half or more of its floor to ceiling height

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, dining, and bathroom areas.

BUILDING. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

CITY. The City of Clarkfield, Yellow Medicine County, Minnesota.

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

COMPLIANCE OFFICIAL. The Clarkfield Building Official (inspector), the Clarkfield City Administrator, or their designees.

CONDIMINIUM. A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment or township is owned out-right by its occupant and each occupant also owns a share of the land and other common property.

DWELLING. A residential building, or portion thereof, used or intended to be used for living, sleeping, cooking, and eating purposes by human occupants, but not including hotels, motels, lodging houses, recreational vehicles, tents, rest homes, convalescent homes, assisted living facilities, bed & breakfast, and nursing homes.

DWELLING, MULTIPLE. A residential building, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; or other types of structures/rental arrangements.

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.

EGRESS. An arrangement of exit facilities to assure a safe means of exit from the building.

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

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.

EXTERMINATION. The control and elimination of insects, rodents, and 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 by the Compliance Official.

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

GOVERNING BUILDING CODE. The current edition of the Clarkfield Building Code, including any building code adopted by reference by the City.

GUEST. Any person located in a dwelling unit upon invite from the occupant or with occupant's permission, whether express or implied.

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.

HEATED WATER. Water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

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.

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

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

LICENSEE. The owner or designated agent or operator of the rental dwelling unit who is issued a rental dwelling unit license for purposes of this Code.

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

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.

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

MINNESOTA STATE BUILDING CODE. Those laws and rules which, together, are commonly referred to as the Minnesota State Building Code and which have been adopted by the City of Clarkfield.

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

NON-COMBUSTIBLE. Any material or a combination of materials which complies with the current edition of the Minnesota State Building Code.

NON-RESIDENT OWNER. An owner of a rental dwelling unit who does not reside within 15 miles of the rental dwelling unit.

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

OCCUPANT. An individual living in or having possession of a building or part thereof for 28 consecutive days or more, whether or not the individual is occasionally absent from the premises.

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.

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.

OWNER. Any individual, firm, association, partnership, corporation, trust or any other legal entity having a propriety interest in the land which is recorded at the Le Sueur County Recorder's Office.

PERSON. Any individual, firm, partnership, corporation, company, association, joint stock association or body politic including any trustee, receiver, assignee or other similar representative thereof.

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.

PREMISES. A lot, parcel, tract or plot of land together with the building and structures thereon.

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

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.

PROPER CONNECTION TO AN APPROVED WATER SYSTEM. A functioning plumbing connection free from defects, leaks or obstructions providing a potable, controllable flow of water.

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

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.

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.

RELATED BY BLOOD, MARRIAGE OR ADOPTION. Whole or half relationship between persons through a common ancestor or descendant or by a relationship as husband, wife, stepparent, stepchild, parent and legally adopted child, or foster parent and assigned foster child.

RENT. A stated return or payment for the temporary possession of a dwelling, dwelling unit, or rooming unit. The return or payment may be money, service, property, or other valuable consideration.

RENTAL AGENT. A person who is the representative of an owner of rental dwelling unit. A rental agent may or may not be the manager of the rental dwelling unit. A rental agent shall not be a tenant of the rental dwelling unit, unless that person is a manager of an apartment building. Notices or orders served on a rental agent shall be deemed to have been served on the owner of the property.

RENTAL DWELLING OR RENTAL DWELLING UNIT. A dwelling or dwelling unit and accessory structure (if any) let for rent or lease.

RENTAL FACILITY. A residential or nonresidential building or development containing one or more units under single ownership where the building and/or unit are intended to be rented or let to tenants even if the owner occupies one or more of the units. "Rental facility" shall also include a mobile home or similar development where the mobile homes are individually owned and the home site and surrounding premises are leased to the mobile home owner, but the remainder of the development is owned and controlled by a single person.

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

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.

RODENT HARBORAGE. Any place where rodents live, nest or seek shelter.

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”.

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

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.

STRUCTURE. Anything constructed, the uses of which requires permanent location on the ground, or attached to something having a permanent location on the ground. When a structure is divided into separate parts by an un-pierced wall, each part shall be deemed a separate structure.

SUBSTANDARD DWELLING. Any dwelling which does not conform to the minimum standards established by state or local laws and ordinances.

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

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

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.

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.

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.

§170.04 RESPONSIBILITY OF OWNERS.

(A) 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.

(B) Joint Responsibilities of Occupants and Owners.

(1) *Accumulation Prohibited.* 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 occupies or controls in a manner that could create a health hazard to the dwelling occupants or the general public.

(2) *Nuisances Prohibited.* 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) *Compliance Required.* Every owner, operator, or occupant of any dwelling unit, or other types of structures/rental arrangements shall conform to the provisions of this Chapter.

MINIMUM STANDARDS FOR PRINCIPAL STRUCTURES

§170.10 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.

(4) 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 structure 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 six (6) 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 delineated parking areas and driveways for occupants consistent with the City Code. There must be at least one paved off-street

parking space for every rental dwelling unit available for the use of the tenants occupying each residential dwelling unit.

(J) *Facilities for Storage and Disposal of Refuse.* Every owner of a residential rental dwelling unit shall be responsible for providing and maintaining facilities for the storage and disposal of refuse and for arranging for the collection of this material by a refuse/garbage hauler licensed by the City of Clarkfield. Every owner of a residential dwelling unit shall have a written garbage contract or other garbage service agreement for the pick-up and disposal of refuse from the residential rental dwelling unit and a copy of the written garbage contract or other garbage service agreement concerning the pick-up and disposal of this refuse shall be provided to the City as part of the initial or renewal license application pursuant to the requirements of §50. No facilities for refuse storage or the plan for disposal of refuse shall be deemed compliant with this Chapter until both the facilities and the disposal plan have been approved in writing by the Compliance Official. Given the uniqueness of each residential rental property, the Compliance Official is given broad discretion in determining whether refuse storage facilities and refuse disposal plans are compliant with this Subdivision and with this 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.

§170.11 MINIMUM PLUMBING STANDARDS.

(A) All plumbing in every dwelling unit and 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.

(1) 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.

(2) 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.

§170.12 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. All floors, interior walls, and ceilings shall be maintained in conformance with the current edition of the Minnesota State Building Code.

(B) *Stairways, Porches, and Balconies.* All stairways, porches, and balconies shall be maintained in conformance with the current edition of the Minnesota State Building Code. In addition, all existing stairways, porches, and balconies should be made as safe as reasonably possible.

(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. All windows, doors, and screens shall be maintained in conformance with the current edition of the Minnesota State Building Code.

(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 and shall be maintained in conformance with the current edition of the Minnesota State Building Code.

(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-two (32) inches wide and eighty (80) inches high and otherwise complies with the fire exit provisions of the City's Fire Code. Access to and egress from each dwelling unit shall be provided without passing through any other dwelling unit and shall be maintained in conformance with the current edition of the Minnesota State Building Code.

(F) *Minimum Ceiling Height.* The ceiling height of any habitable room shall conform with the current edition of the Minnesota State Building Code. The floor area of that part of a room where the ceiling height is less than five (5) feet shall not be considered as part of the gross floor area in computing the total floor area of the room for the purposes of determining the room's 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. The acceptable means of egress adopted herein is that which is defined in the current edition of the Minnesota State Building Code.

(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 capable of being locked from the exterior of said unit. For the purposes 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 edition of the Minnesota State Building Code.

§170.13 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 sealed 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.

§170.14 OCCUPANCY STANDARDS.

(A) Notwithstanding any private agreements between the landlord and occupant providing for more restrictive occupancy standards, the maximum number of occupants in any rental dwelling unit at any time shall be:

(1) No more than four persons unrelated by blood, marriage, or adoption, including foster children shall occupy a dwelling unit.

(2) The maximum number of occupants in any rental dwelling unit shall not exceed two persons per 70 square feet bedroom, with each additional person beyond two in that room requiring an additional 50 square feet of space each.

(3) The owner or manager must advise the occupant, in writing, the maximum number of occupants permitted in occupied premises.

§170.15 MINIMUM ELECTRICAL STANDARDS.

All electrical equipment, wiring and appliances shall be installed and maintained in a safe condition.

§170.16 MINIMUM HEATING STANDARDS.

All heating appliances shall be installed and maintained in a safe condition and in accordance with their listings.

§170.17 MINIMUM WATER HEATING STANDARDS.

Every dwelling unit shall have supplied water heating facilities that are properly installed and maintained. The water heating facilities shall be capable of maintaining a water temperature of one hundred and ten (110) degrees Fahrenheit at any time needed.

§170.18 MINIMUM NATURAL LIGHT AND VENTILATION STANDARDS.

Every habitable room shall have window area of no less than eight (8) percent of the floor area and at least one (1) window facing directly outdoors that can be easily opened. At minimum, the total open-able window area of every habitable room shall be four (4) percent of the floor area of the room and in no case less than four (4) square feet. In lieu of natural ventilation, a mechanical venting system may be provided and maintained in a good and safe operating condition.

§170.19 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 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 cabinet and/or shelves and counter or table shall be structurally sound and furnished with surfaces that are easily cleaned.

(B) *Stove and Refrigerator.* A stove and a refrigerator which are properly installed with all necessary connections for safe, sanitary, and efficient operation. A stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied when the occupant is required by lease 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.

(C) *Toilet Facilities.* Within every dwelling unit, there shall be a non-habitable room with an entrance door that provides privacy to a person in the said room. The room shall have a flush

water closet in good working condition. The flush water closet shall be equipped with easily cleanable surfaces. It shall be connected to an approved water system and sewer system.

(D) *Lavatory Sink*. Within every dwelling unit, there shall be a lavatory sink. It may be located in the same room as the flush water closet, or 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 an approved water and sewer system.

(E) *Bathtub or Shower*. Within every dwelling unit, there shall be a non-habitable room that provides privacy to a person within said room. The room shall be equipped with a bathtub and/or shower in good working condition. The bathtub and shower may be in the same room as the flush water closet, or in another room. The said bathtub and shower shall be connected to an approved water and sewer system.

HEALTH AND SAFETY STANDARDS

§170.20 HAZARDS.

(A) The following are considered immediate hazards to the health, safety, and general welfare of the occupant:

(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; or being connected with unsafe gas piping.

(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) *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.

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

(5) Refuse, garbage, human waste, decaying vermin, or other dead animals, or other materials rendering it unsanitary for human occupancy.

(6) Infestation of rodents, insects, vermin, and/or other pests.

§170.21 FIRE SAFETY.

(A) *Fire Exits*.

(1) All dwellings shall have required fire exits, maintained in fully operable condition, and readily accessible to occupant, as per the Minnesota State Building Code.

(2) All exit stairways in multiple dwellings or condominiums having more than two 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 current edition of the Minnesota State Building Code, or other approved one hour's assembly.

(3) All multiple dwellings or condominiums having more than one two levels and 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.

(4) All multiple 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.

(5) All required exits must be maintained free of obstruction at all times.

(B) *Automatic Alarms.*

(1) Every dwelling unit shall have smoke detectors and carbon monoxide detectors installed in conformance with the current editions of the Minnesota State Building Code and the Minnesota Fire Code.

(2) Every dwelling unit shall have a working fire extinguisher.

(C) *Fire Protection System.* All fixed and portable fire protection systems and appliances must be accessible and maintained for immediate emergency use.

(D) *Prohibiting Inside Connection of External Appliances.* It shall be unlawful for an owner of a residential rental property or condominium 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.

LICENSING, FEES, INSPECTIONS, AND CONDUCT

§170.30 LICENSE REQUIREMENTS.

It is unlawful for any person to operate, let for rent, or cause to be let for rent, a rental dwelling unit without first having obtained a license to do so from the City of Clarkfield as hereinafter provided. Upon receipt of a properly executed application for licensing, the Compliance Official shall cause an inspection to be made of the premises to determine whether the structure is in compliance with this Chapter. Each rental license shall be issued annually and shall expire on December 31 of each year. License renewal applications shall be filed with the City Administrator on December 1 of each year. Every rental dwelling unit may be re-inspected

after a renewal application is filed to determine if the premises still conforms to the requirements of this Chapter. Property shall not be occupied by a tenant after the expiration of a rental license or renewal license, provided that the Compliance Official may issue a temporary renewal license not to exceed two months in duration if the Compliance Official deems it appropriate to allow continued occupancy pending issuance of a renewal license. A temporary renewal license shall expire on the stated date and the property shall not continue to be occupied by a tenant unless a full renewal license has been issued by that date.

§170.31 COMPLIANCE REQUIREMENTS.

No rental license shall be issued or renewed unless the residential rental property conforms to the provisions of this Chapter and with Chapter 151, Zoning. No rental license shall be issued or renewed if real estate taxes are delinquent for any property in the City of Clarkfield for which licensee seeks the issuance or renewal of a rental license.

§170.32 FEES.

(A) *License Fee.* A license fee, in the amount established by the City Council from time to time, shall be paid prior to issuance of the rental license or renewal. Residential rental properties owned and operated by the Clarkfield Housing and Redevelopment Authority (HRA) as well as the Clarkfield Economic Development Authority (EDA) shall be exempt from this fee requirement.

(B) *Inspection Fee.* An inspection fee, in an amount established by the City Council from time to time, shall be imposed for any inspection requested or required apart from one inspection every three years performed pursuant to the inspection process.

(C) *Late Fee.* A late fee, in the amount established from time to time by the City Council, will be charged to any owner who fails to renew the rental license within the period established in this Chapter.

(D) *Rental Without a License.* Any property owner found renting property for residential use without a license shall pay two times the license fee established from time to time by the City Council in addition to any other penalties provided for in this Chapter.

(E) *Denial of License.* The City shall not issue a license or renew a license until all outstanding fees, including but not limited to inspection fees, license fee, or City utility payments, are paid. Any currently licensed rental dwelling unit with outstanding fees may have the license suspended or revoked under the provisions of §170.02.

§170.33 OWNER, AGENT, OR OPERATOR TO APPLY.

(A) License application or renewal shall be made by the owner of the rental dwelling units or an authorized agent. The application shall be made on forms provided by and filed with the City Administrator's office. The application shall include at least the following information:

(1) Name, address, and telephone number of the rental dwelling unit owner; partners of a partnership; corporate officers of a corporation; managing members of a limited liability corporation.

(2) Name, address, and telephone number of designated agent or operator.

(3) Name, address, and telephone number of vendor and vendee if the rental dwelling unit is being purchased through a contract for deed.

(4) Legal description, property identification number as assigned by the county, and address of the rental dwelling unit.

(5) Number of units in each rental dwelling unit and the type of units (one bedroom, two bedrooms, etc.) within each of the rental dwellings and the maximum number of occupants for each dwelling unit.

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

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

(8) A detailed description of a garbage storage and disposal plan for each rental dwelling unit.

(9) Owner's signature acknowledging receipt of the requirements described in this Chapter and attesting that the rental property will be operated and maintained according to the applicable requirements and subject to the applicable penalties for violations.

(10) The property owner shall provide notification, on a form provided by and filed with the City Administrator's office, of any change of address of the owner or change in property manager or property manager's address. Said notification shall be made within five days of the change.

§170.34 AGENTS FOR EMERGENCY REPAIRS REQUIRED.

No rental 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 of the occupancy register, upkeep, and who is legally authorized by the owner to complete emergency repairs of the rental dwelling unit. The Compliance Official shall be notified in writing within five calendar days of any change of rental agent or non-resident owner.

§170.35 INSPECTIONS.

(A) This subdivision shall apply to initial inspection for licensing and to all subsequent inspections in order to maintain the license in good standing.

(1) The Compliance Officer or designee shall notify the owner or manager in writing sent by United States mail that an inspection is required. Said notice shall be made not less than five calendar days following acceptance of completed application for license or renewal.

(2) The owner or manager shall schedule the inspection within twenty calendar days of receipt of the notification that an inspection is required.

(3) The owner, manager, or occupant shall provide access to all areas of the rental dwelling unit(s) and its premises during reasonable times for the purpose of conducting the license inspection.

(4) Failure to provide access to all areas of the rental dwelling unit(s) by the owner, manager, or occupant during reasonable times shall result in denial of initial license or renewal or may result in suspension or revocation of current license.

§170.36 POSTING A LICENSE.

Every licensee of a rental dwelling unit shall cause to be conspicuously posted in a frame with transparent protective covering in the main entry way or other conspicuous location therein the current license for the respective residential rental dwelling unit.

§170.37 LICENSE OF TRANSFERABILITY.

No rental license shall be transferable to another person without written approval of the Compliance Official. A license issued hereunder is transferable providing that the new owner, partners, managing members of a limited liability corporation, or corporate officers submit to the Compliance Official within 30 days after legally acquiring ownership of the licensed rental dwelling unit(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.

§170.38 MINIMUM REQUIREMENTS FOR ISSUANCE OF RENTAL LICENSE.

(A) An applicant must meet the following minimum standards, in addition to all other requirements set out in this Chapter, to receive a rental license under this Chapter:

(1) The applicant, if an individual, must be 18 years of age or older; and

(2) The applicant has identified at least one off-street parking space per rental dwelling unit which shall be available for the use of the occupants occupying each rental dwelling unit. The zoning code may require additional parking spaces.

§170.39 ISSUANCE OF LICENSE.

(A) If the applicant has complied with all the requirements of this Chapter, a residential rental license shall be issued for the rental dwelling or rental dwelling units for which the application has been made. The license shall be issued by the City of Clarkfield Compliance Official. The rental license required in this Chapter shall, at a minimum, contain the following information on its face:

- (1) The mailing address and identifying number of the rental dwelling unit; and
- (2) The maximum occupancy limit of each dwelling unit; and,
- (3) The expiration date of the license.

(B) If the City finds that 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.

§170.40 OCCUPANCY REGISTER REQUIRED.

(A) Every owner of a licensed rental dwelling unit containing three or more dwelling units shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:

- (1) Dwelling unit address.
- (2) Number of bedrooms in dwelling unit.
- (3) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
- (4) Dates occupants occupied and vacated dwelling units.
- (5) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this ordinance.
- (6) A similar chronological list of all corrections made in response to such requests and complaints.
- (7) Such register shall be made available for viewing or copying by the Compliance Official, and Clarkfield City emergency personnel (fire, police, and ambulance) at all reasonable times.

§170.41 CONDUCT ON LICENSED PREMISES.

(A) It shall be the responsibility of the rental license holder to take appropriate action to prevent conduct by occupants and their guests on licensed premises which is hereby deemed disorderly and which is in violation of any of the following statutes or ordinances:

- (1) Minnesota Statutes Sections 609.75 through 609.76, which prohibit gambling;
- (2) Minnesota Statutes Sections 609.321 through 609.324 which prohibit prostitution and acts relating thereto;
- (3) Minnesota Statutes Sections 152.01 through 152.025, and Section 152.027, Subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- (4) Minnesota Statutes Sections 340A.401 and 340A.503, which regulate the unlawful sale of alcoholic beverages;
- (5) Minnesota Statutes Section 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;
- (6) Minnesota Statutes Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of weapon; or
- (7) Minnesota Statutes Section 609.72 and Section 1030.03 of the City Code, which prohibit disorderly conduct.
- (8) Any portion of the Clarkfield City Code and all applicable state statutes, prohibiting public nuisances.
- (9) Minnesota Statutes Sections 609.221, 609.222, 609.223, 609.2231, and 609.224 regarding assaults in the first, second, third, fourth, and fifth degree.
- (10) Minnesota Statutes Section 260.315, concerning the violation of any laws relating to contributing to the need for protection or services or delinquency of a minor.

(B) A violation of any of the foregoing ordinances or statutes is established by a finding of guilt by a court of competent jurisdiction, even if there is a stay of adjudication or other post-conviction orders or proceedings. The building official shall notify the property owner when any such charges are brought against a tenant or guest unless prohibited from doing so by law.

- (1) First violation. Upon determination by the building official or a law enforcement officer that a disorderly use violation as enumerated above occurred on a rental property, the building official shall notify the owner of

the rental property of the violation and direct the owner to take appropriate action to prevent further violations. All notices required by this section shall be in writing, delivered personally to the owner or sent by first class mail to the owner's last known address.

- (2) Second violation. If a second disorderly use violation occurs on the rental property by the owner or the same three months of an incident for which notice was given under subsection (1), the building official shall notify the owner of the rental property by certified mail of the violation and shall require the owner of the rental property to submit a written report of the actions taken, and proposed to be taken, to prevent further disorderly use of the premises. This written report shall be submitted to the building official within 14 days of the date of mailing of the certified letter.
- (3) Third violation. If a third disorderly use violation occurs on the rental property by the owner or the same occupant, or by a family member, roommate, or guest of the owner or occupant, within three months after the second previous instance of disorderly use, when notices were sent to the owner of the rental property pursuant to this section regarding the first and second instances, the rental license for the subject dwelling, dwelling unit or rooming unit shall be suspended by the city council for an initial period up to 90 days.
- (4) Subsequent violation. If another disorderly use violation occurs on the rental property by the owner or the same occupant, or a family member, roommate, or guest of the owner or occupant, within 12 months after the end of a suspension period, the city council may suspend the rental license for up to an additional year. In lieu of suspension, the city council may impose a fine equivalent to the rent for the cumulative suspension periods under (3) and (4) of this section.
- (5) Eviction or vacation. It shall not be considered an instance of disorderly use if the tenant is evicted or voluntarily vacates the licensed premises prior to the hearing before the city council and within two full calendar months after the determination by the building official or law enforcement officer that disorderly use has occurred and notice of the determination has been sent to the licensee.

§170.42 POSTED ORDER TO VACATE.

Whenever any dwelling or dwelling unit has been denied a license, has had its rental license suspended or revoked for violation of §170.20 and §170.21, 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.

§170.43 FAILURE TO OBTAIN LICENSE.

If it is determined that a rental dwelling unit is being operated without a valid license, an immediate compliance inspection shall be conducted as concerns the suspected unlicensed rental dwelling. 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.

COMPLIANCE**§170.50 GENERAL PROVISIONS.**

This Chapter shall be administered by the City Administrator and enforced by the Compliance Officer and shall include investigation and inspection of rental unit(s) upon complaint or if there is reason to believe that a violation of this Chapter has or is being committed.

§170.51 COMPLIANCE ORDER.

(A) The Compliance Officer shall send written notice by certified mail to the property owner, agent, or manager when the Compliance Officer finds a rental dwelling unit(s) in violation of this Chapter. The compliance letter shall contain at minimum the following:

- (1) The address and parcel identification number assigned by the county of the premises where the violation exists;
- (2) A detailed description of the violation including the section of this or other Chapter of City Code being violated;
- (3) What the property owner must do to bring the property back into compliance;
- (4) The number of days the property owner, agent, or manager has to correct the violation if greater than ten days; and
- (5) Provide a statement that failure to comply with the Compliance Order may result in administrative action up to and including revocation of the rental license.

§170.52 ADMINISTRATIVE REMEDIES.

Failure to comply with the Compliance Order may result in suspension or revocation of the residential rental dwelling unit license or imposition of administrative fines in accordance with §170.30 and §170.32 of this Chapter.

§170.53 EMERGENCY CASES.

The Compliance Officer or other public safety official may order occupants to vacate the premises where there exists a condition that constitutes an imminent danger to the life, health, and safety of the occupants. The Compliance Officer or other public safety official shall post notice on the premises prohibiting occupancy in accordance with §170.20 and §170.21.

§170.54 SUSPENSION OR REVOCATION.

(A) *Basis for Suspension or Revocation.* Every residential rental license issued under the provisions of this Chapter is subject to suspension or revocation for the entire residential rental dwelling or for the individual residential rental dwelling units under the provisions of this Chapter, by the City should the licensee fail to operate or maintain the licensee's residential rental dwellings and dwelling units therein consistent with the provisions of this Chapter. The suspension or revocation of an owner's residential rental license shall remain in effect as concerns the property in violation until said property is brought into compliance in conformance with the requirements of this Chapter.

(B) A rental license may be suspended 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 behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application;

(3) The activities of the licensee in the licensed activity create or have created a serious danger to the public health, safety, or welfare;

(4) The licensee maintains or permits conditions that injure, annoy, or endanger the safety, health, morals, comfort, or repose of any member of the public;

(5) The licensee or applicant has failed to comply with any condition or requirement set forth in this Chapter or in a compliance order issued by the City's Compliance Official in accordance with this Chapter;

(6) Failure to pay any fee herein provided for in this Chapter;

(7) Failure to keep City utility bills current; or,

(8) Failure to permit the Compliance Official, any officer or employee of the City charged with the duty of making inspections or enforcing any provisions of this Code, access to the premises at a reasonable hour to determine whether the facilities conform with the provisions of this Chapter.

(C) *Effect of Suspension or Revocation.* In the event a residential rental license is suspended or revoked by the City Council under the provisions of this Chapter, it shall be unlawful for the owner or his duly authorized agent to thereafter permit any new occupancies of vacant, or thereafter vacated residential rental units, until such time as a valid residential rental license is restored to the affected units. Issuance of a new license after revocation shall be made in the same manner as provided for in obtaining the initial license. The owner whose residential rental license has been suspended or revoked must pay a reinstatement fee as set by the City Council from time to time before his existing residential rental license will be reinstated, or any new residential rental license will be issued.

(D) *Licensee's Vicarious Responsibility.* Upon a second violation of §170.41 by a guest or occupant of a residential rental dwelling unit within twelve (12) months of a prior violation of any portion of §170.41, the Compliance Order shall require the licensee to submit a written report identifying what actions licensee shall take to prevent further violations of §170.41 on the licensed premises. This written report shall be submitted to the Compliance Official within ten (10) days of the date of the Compliance Official's written request. If the licensee fails to comply with the requirements of this subdivision, the license for the individual rental unit in question may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a residential rental license under this Section shall follow the procedural requirements and afford the same procedural protections as set out in §170.54. Upon a third violation of §170.41 by a guest or occupant of a residential dwelling unit within twelve months of the first of two prior violations for which Compliance Orders were sent to the licensee regarding the same dwelling unit, the residential rental dwelling unit license for the rental dwelling may be denied, revoked, suspended, or not renewed under the same procedural due process methods and guarantees provided for in §170.54.

(E) Exemption. No adverse license action shall be imposed if the violation of §170.41 occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty days of written notice given by the licensee to an occupant to vacate the residential rental 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, or not renew a license based upon violations of §170.54 may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further violations of §170.41. A determination that the licensed residential dwelling or dwelling unit has been used in violation of §170.41 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation of Section §170.41, nor shall the fact of dismissal or acquittal of criminal charges operate as a bar to adverse action under this Section.

§170.55 UNFIT FOR HUMAN HABITATION.

(A) Any building or portion thereof, which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any

building or premises has been declared unfit for human habitation, the Compliance Official 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 rental license previously issued for such dwelling shall be revoked. It shall be unlawful for such building or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such building.

(1) *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.

(2) *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 through 463.261.

§170.56 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.

§170.57 RESTRICTIONS ON TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any building, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless such owner shall furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledging. Anyone securing an interest in the building, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this Chapter.

§170.58 NO WARRANTY BY CITY.

By enacting and undertaking to enforce this Chapter, 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.

§170.59 SEVERABILITY.

Every section, provision, or part of this Chapter is declared 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.

§170.60 PREEMPTION.

The requirements of this Chapter preempt and supersede the terms of any rental contract between a licensee and occupant of a dwelling. All applicants and licensees are hereby required under this Chapter to incorporate this clause into any written residential lease between them and an occupant. The applicant or licensee is also required to give written notice to an occupant under an oral residential rental agreement that the Clarkfield rental code shall primacy and preempt any private contract in the event of the suspension or revocation of a rental license issued under this Chapter.

WATER AND SEWER SERVICES

§170.70 GENERAL PROVISIONS.

(A) The City Council shall establish a schedule of all water and sewer rates, fees, and charges for permits or services in the Ordinance Establishing Fees and Charges adopted pursuant to §30.11 of the Clarkfield City Code, as that ordinance may be amended from time to time. In accordance with Minnesota Statutes Section 444.075 Subd 3, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.

(B) The provisions of this section follow in accordance with Title V of the Clarkfield City Code.

§170.71 ACCOUNT HOLDERS.

(A) All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service.

(B) The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.

§170.72 BILLS FOR SERVICE.

(A) Water and sewer services shall be billed together.

(B) Bills shall be mailed to the customer monthly and shall specify the water consumer and the sewer and water charges pursuant to §30.11 of the Clarkfield City Code.

(C) All bills and notices shall be mailed or delivered to the owner of the property and to the address where service is provided.

(1) If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application.

(2) Any change or error in address shall be promptly reported to the City Clerk.

§170.73 DISCONTINUANCE OF SERVICE.

(A) Water and sewer services may be shut off at any connection as pursuant to §54.03 of the Clarkfield City Code.

(B) Discontinuation of service for a period exceeding thirty (30) days is a violation of §170.20 and therefore shall follow the procedural requirements and afford the same procedural protections as set out in §170.42 of the Clarkfield City Code.

§170.74 DELINQUENT ACCOUNTS.

The assessment of delinquent charges shall follow the procedural requirements and afford the same procedural protections as set out in §54.05 of the Clarkfield City Code.

PENALTY

§170.80 PENALTY.

(A) *Violation a Misdemeanor.* Violation of a section, subdivision, paragraph or provision of this Chapter is considered a misdemeanor, and upon conviction the violator may be sentenced to not more than 90 days, or to payment of a fine of not more than \$1,000.00, or both. It is also a misdemeanor for any person to prevent, delay, or provide false information to the Compliance Official while the Compliance Official is engaged in the performance of duties set forth in this Chapter. A defendant convicted of a misdemeanor violation of this Chapter of the City Code, in addition to the other penalties proscribed by law, shall be made responsible for reimbursing the City its costs of prosecution. This Section is adopted in conformance with Minnesota Statutes Section 412.231, as may be amended from time to time, which the City hereby adopts and incorporates herein, as it may be amended from time to time.

(B) *Administrative Remedies.* The City may, at its sole discretion, invoke any administrative remedy available to it under the Code in the event a person violates any provision of this Chapter. For the purposes of this Section a person is defined as an individual, a partnership, a corporation, or any other entity.

(C) *Non-Exclusivity of Remedies.* Violations of this Chapter of the Clarkfield City Code may be remedied by the City, at its sole discretion, administratively or through criminal prosecution. These remedy options are not mutually exclusive and the City may pursue both remedy options simultaneously.