

ORDINANCE NO. 127

AN ORDINANCE RELATING TO MINIMUM SPACE REQUIREMENT FOR DWELLING UNITS

MINIMUM SPACE, USE AND LOCATION REQUIREMENTS: No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

SECTION 1. Living Space: Every dwelling unit shall contain for use as living space at least one hundred fifty (150) square feet of floor space of habitable room floor space for the first occupant thereof and at least one hundred (100) additional square feet of habitable room floor space for every additional occupant thereof. Sleeping space to be contained within a dwelling unit shall be a separate requirement and shall not be counted in the calculation of living space.

SECTION 2. Sleeping Space: In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable room floor space for each occupant thereof.

SECTION 3. Access to Toilet Facilities: No dwelling or dwelling unit used for rental purposes containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

SECTION 4. Ceiling Height: At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven feet six inches (7'6"); and the floor area of that part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

SECTION 5. Any person found violating any provision of this ordinance shall be deemed guilty of a misdemeanor and may be fined for the maximum monetary amount permitted by Minnesota Statutes 412-231 for violation of misdemeanors provided, however, that three violations of this ordinance by the same individual within any one calendar year shall be deemed to be a misdemeanor and violation thereof may result in imprisonment not to exceed 90 days and/or a fine of not more than \$700.00 or both.

SECT. 6 TRANSFER OF PROPERTY: Every new owner of a rental unit (whether as fee owner or contract purchaser) shall be required to furnish to the Housing Division the new owner's name, address and phone number, and the name, address and phone number of the owner's designated local manager before taking possession of the rental property upon closing of the transaction. No registration fee shall be required of the new owner during the year in which possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

SECT. 7 POSTING OF REGISTRATION: Each registration holder shall post the annual registration issued by the City in a conspicuous spot near the front entrance to the rental unit, a public corridor, hallway, or lobby of the rental dwelling for which it is issued. Only one registration need be posted for each separate apartment building. Failure to post the registration shall not be grounds for termination of registration, but such violation shall constitute a misdemeanor.

SECT. 8 FEES: The fees for registration, a registration renewal, a late fee, and inspection fees shall be in the amount set by the City Council from time to time by resolution.

SECT. 9 MAINTENANCE OF RECORDS: All records, files and documents pertaining to the Rental Registration and Rental Unit Inspection Program shall be maintained in the Housing Division of the Fire Department of the City and made available to the public as allowed or required by State law or City ordinances.

SECT. 10 MAINTENANCE STANDARDS: Every rental unit shall be maintained in accordance with the building standards of City Zoning Ordinance No. 107 2-10.00 Chapter 10-R-1, the Uniform Fire Code adopted in Ordinance No. 29, Section 1, the Building Code adopted in Ordinance No. 124, and in a manner so as not to create a nuisance pursuant to the City Code.

SECT. 11 INSPECTIONS AND INVESTIGATIONS:

- A. Fire Department personnel, police officers, the City Sanitarian, and the City Building Code officials are hereby authorized to make inspections reasonably necessary for the enforcement of this Ordinance.
- B. All persons authorized herein to inspect shall have the authority to enter, at all reasonable times, any rental dwelling or rental unit which is registered pursuant to the provisions of this ordinance.
- C. Persons inspecting any rental dwelling or rental unit as provided herein shall notify the registration holder of all violations, if any, by written notice. Said notice shall direct that compliance be made immediately and that the property will be reinspected in not less than fifteen (15) days, unless extended by the compliance official based on good cause.
- D. A registration holder may appeal a compliance order by filing a written appeal with the City Clerk within ten (10) days of the date of the compliance order. The City Clerk shall schedule a hearing within ten (10) days of the filing of the notice of appeal. Enforcement of the compliance order shall be stayed pending the decision of the City Clerk on the appeal.

SECT. 12 CONDUCT ON REGISTERED PREMISES:

- A. For purposes of this section, a premise is disorderly at which any of the following activities occur:
1. Conduct which constitutes a violation of Section 1 of the City Ordinance No. 62 relating to public nuisances.
 2. Conduct which constitutes a violation of Section 1C of the City Code relating to noisy parties and other unnecessary and loud noises.
 3. Conduct which constitutes a violation of laws relating to the possession of controlled substances, as defined in Minnesota Statutes 152.01, et. seq.
 4. Conduct which constitutes a violation of the City Code relating to disorderly conduct or creating a breach of the peace, or violation of laws relating to disorderly conduct as defined in Minnesota Statutes 609.72.
 5. Conduct which constitutes a violation of Section 1, Ordinance No. 59 of the City Code relating to minor possessing or consuming alcohol, Section 1A, Ordinance No. 59 relating to providing alcohol to minors, or violation of Minnesota Statutes 340.701, 340.702, or 340.702 relating to sale of intoxicating liquor.
 6. Conduct which constitutes a violation of Minnesota Statutes 5 relating to prostitution and indecent exposure, or a violation of laws relating to prostitution or acts related to prostitution as defined in Minnesota Statutes 609.321, Subd. 9.
 7. Conduct which constitutes a violation of weapons, or laws relating to unlawful use or possession of a firearm as defined in Minnesota Statutes 609.66, et. seq., on the registered premises.
 8. Conduct which constitutes a violation relating to assaults, including domestic assaults, as defined in Minnesota Statutes 604.224.
 9. Conduct which constitutes a violation of laws relating to contributing to the need for protection or services or delinquency of a minor, as defined in Minnesota Statutes 260.315.
 10. Conduct which constitutes a violation of any other federal law, state law, or local ordinance which would be likely to threaten, annoy or harass other tenants or other neighbors to the residential rental unit or which threaten the health and safety of tenants.
- B. The City shall be responsible for administration of this section. The authority to take any action authorized under this section may be delegated to the City's authorized designee or designees.

- C. Upon determination by the City or its designee that a rental unit registered premises was used in a disorderly manner, as described in subdivision A, the City or his/her designee, shall give notice to the registration holder and the renters of the rental unit affected, of the violation and direct the registration holder to take steps to prevent further violations.
- D. If another instance of disorderly use of the rental unit registered premises occurs within three (3) months of an incident for which a notice in subdivision C was given, the City or his designee, shall notify the registration holder and the renters of the affected unit of the violation and shall request the registration holder to submit a written report of the actions taken, and proposed to be taken, by the registration holder to prevent further disorderly use of the premises. This report will be asked to be submitted to the City or it's designee within five (5) days of receipt of the notice of disorderly use of the premises, and shall detail all actions taken by the registration holder in response to all notices of disorderly use of the premises within the preceding three (3) months.
- E. If another instance of disorderly use of the rental unit registered premises occurs within three (3) months after any two previous instances of disorderly use for which notices were given to the registration holder, and the renters of the affected unit, pursuant to this section an additional notice should be sent pursuant to provisions of paragraph D above.
- F. A determination that the registered premises have been used in a disorderly manner as described in subdivision A shall be made upon a fair preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought, in order to support a determination of disorderly use, but the incident must have resulted in the police being called to the rental unit registered premises and a police report being prepared.
- G. For purposes of this ordinance, disorderly use of the rental unit registered premises shall mean disorderly use in the particular rental unit by the renters, occupants or guest or conduct by the tenants which constitutes disorderly use anywhere on the property of the apartment building, or home, or mobile home park in which the rental unit is situated.
- H. The provisions of Section 5-1-12(C), (D) & (E) requesting the registration holder's response to notices is not mandatory and a registration holder shall not be in violation of this ordinance, if registration holder does not respond to the request set forth in Section 5-1-12(C), (D) and (E).

SECT. 13 FAILURE TO GRANT REGISTRATION, REVOCATION, SUSPENSION OR FAILURE TO RENEW REGISTRATION:

- A. The City reserves the right not to register a unit unless the rental unit or units for which registration is sought complies with the requirements of this ordinance.

- B. Any registration issued under this ordinance is subject to the right, which is hereby expressly reserve by the City, to suspend, revoke or fail to renew the same should the registration holder or their agents, employees, or representatives or lessees directly or indirectly operate or maintain the rental dwelling contrary to the provisions of this Chapter, other than Section 5-1-12, or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be suspended, revoked, or failed to be renewed if the registration holder complies with a compliance order or orders in a timely manner.
- C. The City or Fire Marshal shall notify, in writing, the applicant that his registration has been denied, or the registration holder that his/her registration is being suspended, removed or nonrenewed. The suspension, revocation or nonrenewal shall occur thirty-five (35) days after the date of the order, or at such later date as set out in the order. The notice shall be served by mailing a copy of the order to the property owner, and the designated local property manager, if any, as indicated in the records on file in the Housing Division of the Fire Department of the City.
- D. The registration holder, or designated local manager, shall have the right to request a hearing before the Rental, Appeals Board by filing a written appeal from the order at the office of the City Clerk within fifteen (15) days of the date of the order. The timely filing of the written appeal shall stay the enforcement of the order until the appeals process is completed.
- E. The hearing before the Rental Appeals Board shall be set no earlier than ten (10) days, not no later than thirty (30) days, after the filing of the written appeal. A registration holder, and his/her local manager, if any, shall be given at least seven (7) days' written notice of the time and date of the hearing. The registration holder, his/her local manager, or an attorney representing the registration holder, may present evidence at the hearing. The Rental Appeals Board, after the hearing, shall issue its order either denying or upholding the decision of the Fire Marshal or City or may grant a registration upon such terms and conditions as it deems necessary to accomplish the purposes of this section. The decision of the Rental Appeals Board may be appealed by the registration holder, his/her local managing agent, the Fire Marshal, or City to the City Council by filing a written appeal at the office of the City Clerk within ten (10) days of the order of the Rental Appeals Board.
- F. If the order is appealed to the City Council, the registration holder shall receive at least seven (7) days' written notice of the hearing date before the Council and, at that hearing, the registration holder, the local managing agent, or an attorney representing the registration holder may present evidence. After the hearing, the Council may uphold the decision of the Rental Appeals Board, reverse the decision of the Rental Appeals Board, or enter a different order with different conditions if the City Council deems it necessary to protect the public health, sanitation, safety or general welfare of the community at large or the residents of rental units in the City of Glyndon. The City Council shall issue written findings of fact and its order within twenty (20) days of the hearing.
- G. The decision of the City Council may be appealed by the registration holder by filing an appeal or an appropriate writ with the Clay County District Court within fifteen (15) days of the date of the order of the City Council.

SECT. 14 RENTAL APPEALS BOARD: There is hereby created and established a Rental Appeals Board for the purpose of hearing the appeals as set forth in Section 5-1-13. The Board shall consist of six (6) members, but as few as three (3) members need be present to hear an appeal. The City will provide, as a nonvoting member of the Rental Appeals Board, a representative from the Fire Department or Building Codes of the City. The Mayor, with Council approval, shall appoint members of the Rental Appeals Board, which will consist of one (1) landlord, two (2) tenants, one (1) professional property manager, one (1) contractor, architect or other person familiar with construction costs, and one (1) other citizen at large who shall not be either a landlord or a tenant.

SECT. 15 SUMMARY ACTION:

- A. When the conduct of any registration holder or their agent, representative, employee or lessee, or the condition of their rental dwelling or rental unit is detrimental to the public health, sanitation, safety and general welfare of the community at large, or residents of the rental units so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and, thus, give rise to an emergency, the Fire Marshal or City Manager shall have the authority to summarily condemn or close off individual rental units or such areas of the rental dwelling as necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall indicate the units or areas affected. No person shall remove the posted notice, other than the Fire Marshal, City Manager, or their designated representative. Any person aggrieved by the decision or the action of the City Manager or Fire Marshal set out in subdivision A may appeal the decision following the procedures set out in Section 5-1-13. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action; however, the date of the hearing may be expedited with the consent of the registration holder.
- B. The decision of the City or Fire Marshal set forth in subdivision A shall not be voided by the filing of such appeal. Only after the hearing by the Rental Appeals Board has been held will the decision or action of the City or Fire Marshal be affected.

SECT. 16 APPLICABLE LAWS: Registration holders shall be subject to all of the ordinances of the City and State of Minnesota relating to rental dwellings, and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SECT. 17 VIOLATIONS, INJUNCTIVE RELIEF: Nothing in this ordinance shall prevent the City from taking affirmative action under any of its City fire, housing, zoning or other health safety codes for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of the particular ordinance or code under which the City would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this registration and inspection Ordinance. Nothing contained in this ordinance shall prevent the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this ordinance on registration to obtain an order closing such rental units until violations of this particular ordinance have been remedied by the property owner or designated property manager.

SECT. 18 EFFECTIVE DATE: This Ordinance shall become effective the 1st day of June, 1995.


SECT. 19 SEVERABILITY CLAUSE: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

This ordinance shall take effect immediately from and after its passage and publication according to law.

PASSED by the City Council of the City of Glyndon this 24th day of May 1995.

APPROVED:


John Butze, Mayor


Dennis Johnson, Clerk/Treasurer