

## **CHAPTER 14 – MONTGOMERY RESIDENTIAL RENTAL PROPERTY LICENSING CODE**

### **Section 1400**

1400.01 Title. This Chapter shall be referred to as the “Montgomery Residential Rental Property Licensing Code.”

1400.02 Purpose and Intent-Housing. The City of Montgomery recognizes the need for a diversity of housing options to meet the needs of the residents and residential rental property is an important component to the overall housing mix. It is the intent of the City, through this Section, to establish reasonable and prudent requirements on residential rental property within the City in order to:

1. protect and preserve the stability and residential character of the surrounding neighborhood;
2. prevent and correct housing conditions that adversely affect the life, safety, health, and general well-being of persons occupying dwellings in the City;
3. prevent the emergence of blighted and deteriorating housing in the City;
4. prevent overcrowding of rental dwellings;
5. preserve the value of land and buildings in the City; and,
6. limit an over-concentration of rental property in the City.

1400.03 Purpose and Intent-Inspection. 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.

1400.04 Applicability and Exemptions.

Subd. 1 The provisions of this Chapter apply to all rental dwellings, including rented single-family dwellings, multi-dwelling buildings, as well as to rented condominiums, rented townhouses and leasehold cooperative dwelling units, as those terms are defined in Minnesota Statutes Section 273.124, Subd. 6, Minnesota Statutes Chapter 515A, Minnesota law, as amended from time to time, and the City’s Municipal Code.

Subd. 2 The following persons or entities are exempt from the requirement of obtaining a license for a rental dwelling: facilities subject to licensing under Minnesota Statutes Section 144, as amended from time to time, such as nursing homes, board and care homes, rental units maintained by a 501C(3) corporation pursuant to a planned unit development agreement in force between the non-profit corporation and the City; public housing owned and operated by the Montgomery Housing and Redevelopment Authority, contracts for deed, and family relation occupancy as that term is defined herein.

1400.05 Definitions. For the purpose of this Chapter, certain terms and words are defined. Words not specifically defined in this Chapter shall have their ordinary meanings within the context with which they are used. The referenced dictionary of the governing Building Code shall be considered as providing 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.

Subd. 1 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.

Subd. 2 Bedroom, Legal. A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping that meets the minimum requirements of the Minnesota Building Code, but shall not include any kitchen, dining, and bathroom areas.

Subd. 3 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.

Subd. 4 City. The City of Montgomery, Le Sueur County, Minnesota.

Subd. 5 Compliance Official. The Montgomery City Administrator, or designee.

Subd. 6 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.

Subd. 7 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.

Subd. 8 Family Relation. A person or persons related by blood, marriage or adoption to the owner of a dwelling.

Subd. 9 Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes; excluding bathrooms, laundries, furnace rooms, unfinished basements, pantries, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, and attics.

Subd. 10 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.

Subd. 11 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 Montgomery.

Subd. 12 Multiple Occupancy. The occupancy of a structure that supports, shelters or encloses three (3) or more dwelling units.

Subd. 13 Non-resident Owner. An owner of a rental dwelling unit who does not reside within the corporate limits of the City of Montgomery or within a two (2) mile radius of the corporate limits of the City of Montgomery.

Subd. 14 Occupant. An individual living in or having possession of a building or part thereof, whether or not the individual is occasionally absent from the premises.

Subd. 15 Operate. As used in this Chapter, the term means to charge a fee or other form of monetary compensation for the use of a dwelling unit.

Subd. 16 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.

Subd. 17 Owner. Any individual, firm, association, partnership, corporation, trust or any other legal entity having a proprietary interest in the land which is recorded at the Le Sueur County Recorder's Office.

Subd. 18 Person. Any individual, firm, partnership, corporation, company, association, joint stock association or body politic including any trustee, receiver, assignee or other similar representative thereof.

Subd. 19 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.

Subd. 20 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.

Subd. 21 Rental Dwelling or Rental Dwelling Unit. A dwelling or dwelling unit and accessory structure (if any) let for rent or lease.

Subd. 22 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.

Subd. 23 Substandard Dwelling. Any dwelling which does not conform to the minimum standards established by state or local laws and ordinances.

1400.06 Discrimination and Private Contracts. This Chapter shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, this Chapter is not intended to interfere with the personal privacy or with private legal rights and liabilities, including without limitation the landlord/tenant relationship. By enacting and enforcing this Chapter, the City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the City to the provisions of this Chapter.

1400.07 Responsibilities of Owners. The owner of a dwelling or dwelling units or their authorized agents shall be responsible for the maintenance of that structure, any accessory structures, lawn and yard area, and for ensuring the minimum standards of this Chapter are met. In a contract for deed setting, the owner shall be the person or persons deemed as the vendee (proposed purchaser or buyer) as well as the vendor (proposed seller). An owner using an agent, property manager or management company shall not absolve the owner of his or her responsibilities under this Chapter.

1400.08 Joint Responsibilities of Occupants and Owners. Owners and the occupants shall not permit or allow the formation or presence of any nuisance condition in or about the property or dwelling in violation of Montgomery City Code, Chapter 10, Section 1050.02. Every owner, operator, or occupant of a dwelling unit licensed under this Section shall conform to the provisions of this Section.

1400.09 Minimum Exterior Standards.

Subd. 1 Foundation, Roof, and Exterior Walls. The foundation, exterior walls, and exterior roof shall be watertight, 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:

- A. 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;
- B. 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;
- C. More than twenty-five percent (25%) of the finish coat of a stucco wall is worn through or chipped away;
- D. 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 covering is removed in its entirety.

Subd. 2 Accessory Structures. 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.

Subd. 3 Fences. 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.

Subd. 4 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 or if portions are missing.

Subd. 5 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.

Subd. 6 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.

Subd. 7 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.

Subd. 8 Snow and Ice Removal. The owner of a dwelling 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 one or more inches within 24 hours of the storm's completion.

Subd. 9 Driving and Parking Areas.

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

B. There must be at least two paved off-street parking spaces for every rental dwelling unit available for the use by the tenants occupying each residential dwelling unit.

C. Parking spaces, areas and driveways shall be paved with an all-weather surface. "Paved surface" means an asphalt, concrete, or paver-type surface. Gravel is not acceptable.

D. All newly licensed rental dwelling applications submitted after adoption of this Chapter shall provide at minimum an enclosed one-stall garage consistent and fully compliant with this Chapter and the City Zoning Code.

Subd. 10 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 recycling and for arranging for the collection of this material.

Subd. 11 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.

#### 1400.10 Minimum Plumbing Standards.

Subd. 1 Plumbing. 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.

Subd. 2 Fixtures-Sewer Connections. 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 and shall be fit for its intended use. The sewer system must be capable of conveying all sewage into the municipal sanitary sewer system.

Subd. 3 Fixtures-Water Connections. 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.

Subd. 4 Water Heating Facilities. Every dwelling unit shall have supplied water heating facilities that are properly installed and maintained and fit for its intended use. The water heating facilities shall be capable of maintaining a water temperature of one hundred and ten (110) degrees Fahrenheit at any time needed.

#### 1400.11 Minimum Structural Standards.

Subd. 1 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.

Subd. 2 Stairways, Porches, and Balconies. All stairways, porches, and balconies shall be maintained in conformance with the current edition of the Minnesota State Building Code. All existing stairways, porches, and balconies shall be made as safe.

Subd. 3 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.

Subd. 4 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.

Subd. 5 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.

Subd. 6 Ceiling Height. The ceiling height of any habitable room shall be at least seven (7) feet; except that in any habitable room under a sloped ceiling, at least one-half (1/2) of the floor area shall have ceiling height of at least seven (7) feet, the floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the total floor area.

Subd. 7 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 Chapter are met. If a room below grade is used for sleeping purposes, an emergency escape or egress must be provided. Acceptable means of egress include:

- A. Escape or rescue window with a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four (24) inches. The minimum net clear openable width dimension shall be twenty (20) inches. The finished sill height shall not exceed forty-four (44) inches above the floor.
- B. Exterior door or hatch shall meet the same minimum requirements as specified above.

Subd. 8 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"). All locks shall be in good functioning condition and fit for its intended use.

#### 1400.12 Minimum Standards for Pest Extermination.



Subd. 1 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.

Subd. 2 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.

Subd. 3 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.

Subd. 4 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.

Subd. 5 The owner or operator of a dwelling unit shall be responsible for the extermination of rodents, insects, or other vermin on the premises.

1400.13 Minimum Electrical Standards. Every dwelling unit and all public areas shall be supplied with electric service functioning over-current protection devices, electric outlets, and electric fixtures that are properly installed and maintained in a safe working condition and fit for its intended use. The minimum capacity of such electric services and the minimum number of electric outlets and fixtures shall be as follows:

Subd. 1 Dwellings containing one or two dwelling units shall have at least the equivalent of sixty (60) ampere electric service per unit.

Subd. 2 Dwelling units shall have at least one fifteen (15) ampere branch electric circuit for each six hundred (600) square feet of dwelling unit floor area.

Subd. 3 Every habitable room shall have at least one floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of the total floor area, and in no case, less than two (2) such electric outlets. Temporary wiring, extension cords, or drop cords shall not be used as permanent wiring. In cases where more than two (2) outlets are required, one ceiling or wall-type light fixture may be substituted for one (1) required outlet.

Subd. 4 Every water closet compartment, bathroom, kitchen, laundry, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture. Every bathroom and laundry room shall contain at least one convenience outlet.

Subd. 5 Every public hall and stairway in every multiple family dwelling shall be adequately lighted by natural or electric light at all times. Public halls and stairways of multiple dwellings containing less than two (2) dwelling units may have switches located at all entrances to control the lighting.

Subd. 6 A convenient switch controlling the light shall be located at all points of entry for all dwellings.

Subd. 7 Approved weather-proof exterior electrical outlets shall be provided. No electrical drop cords, extension cords, or electrical wires shall extend across a walkway or driveway or otherwise create a hazard to pedestrians or vehicles.

#### 1400.14 Minimum Heating Standards.

Subd. 1 Primary Heating Facilities. All dwelling units shall have primary heating facilities that are properly installed and maintained in a safe, efficient working condition and fit for its intended use. The heating facilities shall be capable of maintaining an indoor temperature of sixty-eight (68) degrees Fahrenheit as specified in the state building code.

Subd. 2 Things Not Primary Heating Facilities. Gas or electric appliances designated specifically for cooking or water heating purposes and portable heating equipment are not considered primary heating facilities.

Subd. 3 Prohibited Heaters. No owner or occupant shall install, operate or use a heater employing a flame that is not installed and maintained in accordance with manufacturer's specifications and applicable state codes.

Subd. 4 Responsibility for Heating Facility. Whenever the occupant lacks direct control over the primary heating facility to his/her dwelling unit, it shall be the responsibility of the owner to maintain minimum heating standards as described in this Section.

#### 1400.15 Minimum Energy Standards.

Subd. 1 Weatherization Requirements. All dwelling that are renter occupied during all or a portion of the months of November through April shall comply with the following weatherization requirements:

A. Install weather stripping between exterior operable window sash and framed and between exterior doors and frames. Weather stripping is not required on storm doors or storm windows.

B. Caulk, gasket or otherwise seal accessible exterior joints between foundation and rim joist; around window and door frames; between wall and roof; between wall panels; at penetrations for utility service through walls, floors, roofs, and all other openings in the exterior envelope.

C. Install storm windows on all single glazed exterior window units enclosing conditional spaces.

D. Install storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule, or other appurtenances provides a double door effect or provides an “R” value of two (2) or more.

E. Install positive shut-off for all fireplaces or fireplace stoves, unless an existing damper provides a positive shut-off.

F. Install insulation in attic to achieve a minimum total “R” value of the insulation of R-19. If there is insufficient space for the installation of the recommended “R” value, then the available space shall be installed to capacity. Attic access panels must be installed to a minimum of R-38 for ceiling panels and R-19 for wall panels, and must be weather stripped (as stated in Minnesota Rule 7674.0600 Subpart 11D, as amended from time to time.)

G. Install insulation in walls and floors enclosing conditioned spaces to achieve a minimum total “R” value of the insulation R-19 (as stated in Minnesota Rule 7674.0600 Subpart 3A, as amended from time to time.) Accessible walls shall not include above grade foundation walls of basements. If there is insufficient space for the installation of the required “R” value, then the available space shall be insulated to capacity.

#### 1400.16 Minimum Fire Safety Standards.

Subd. 1 All dwelling units shall have required fire exits, maintained in fully operable condition, and readily accessible to occupant, as per the governing Building Code.

Subd. 2 All stairway exits in multiple dwellings having more than two (2) occupied levels shall be separated from each other by fire resistance as provided for in the State Building Code.

Subd. 3 All multiple dwellings having more than two (2) levels and the lowest level is at an elevation less than grade and having the exit at grade level shall provide a barrier constructed and placed so as to prevent a person from proceeding down the stairs to a level lower than the level of exit.

Subd. 4 All multiple dwellings shall provide emergency lighting in the exit ways, corridors, and systems in accordance with the State Building Code and/or State Fire Code.

Subd. 5 Every dwelling unit shall have smoke and carbon monoxide detectors in conformance with the State Building and Fire Code.

Subd. 6 Every dwelling unit shall have a working fire extinguisher.

Subd. 7 All fixed and portable fire protection systems and appliances must be accessible and maintained for its immediate emergency use.

Subd. 8 Owners or Occupants shall not use or allow electric drop cords, extension cords, or any electric wire to run from any electric outlet from inside the dwelling unit for service to an electric appliance outside of the dwelling unit.

1400.17 Unfit for Human Habitation.

Subd. 1 Declaration. Any building or portion thereof, which upon inspection by the Building Official is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provisions for basic lamination, ventilation, sanitary facilities, or lacks provision of City utility services 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, premises or portion thereof has been declared unfit for human habitation, the City Administrator or designee shall order the owner, agent or manager to have the building or premises vacated within a reasonable time. The City Administrator or designee shall post notice on the premises stating it is unfit for human habitation and the residential rental license issued shall be terminated as provided for in this Chapter.

Subd. 2 Secure Unit and Vacated Dwellings. The owner, agent or manager of a dwelling or dwelling unit which has been declared unfit for human habitation shall secure the dwelling or dwelling unit so that it is not hazardous to health, safety, or the general welfare of the public and to prevent it from becoming an attractive nuisance.

Subd. 3 Hazardous Building Declaration. In the event that a dwelling or dwelling unit has been declared unfit for human habitation and the owner, agent or manager has not remedied the defects within a prescribed reasonable time, then it may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes Section 463.15-463.261, as amended from time to time.

1400.18 Licensing of Residential Rental Property.

Subd. 1 License Required. It is unlawful for any person to operate, let for rent, or cause to be let for rent, a dwelling unit without first having obtained a residential rental license from the City of Montgomery, as provided for in this Chapter. No residential rental license shall be issued or renewed unless the residential rental property conforms to the provisions of this Chapter.

Subd. 2 Term of License. Each residential rental license issued pursuant to this Chapter shall expire on the 31<sup>st</sup> of December each year. The City shall mail to the property owner or designated agent or manager an annual renewal statement on or before October 1 of each year. Failure to receive a renewal statement from the City shall not excuse the owner or designated agent or manager from meeting the license requirements. Renewal statements and all applicable fees must be returned to City Hall by October 31 of each year. Failure to return the renewal form and fees by October 31 will result in an administrative penalty in the amount established from time to time by the City Council. Statements and fees not received by December 31 will result in automatic termination of the license, effective the end of the day of December 31, and the terminated licensee must then complete the new license procedure rather than the renewal procedure to have the terminated license reinstated. The automatic termination of licensure in this Subdivision shall be exempted from the notice of termination requirements contained in Section 1400.26, Subd. 4, but subject to the compliance order requirements of Section 1400.24 of this Code.

Subd. 3 License Fee. The owner, agent or manager shall pay the annual license fee at the time of application for a license for each dwelling unit or, if already licensed then upon the application for renewal of license for each dwelling unit. No application or renewal shall be processed until all fees have been paid. The license fee shall cover the cost to administer and enforce this Chapter. The amount of the fee shall be established by the City Council.

Subd. 4 Inspection Fee. The owner, agent or manager shall pay an inspection fee as established by the City Council:

- A. For each follow-up inspection; and,
- B. For any inspection and subsequent follow-up due to complaint from tenant and ordered by the City.

Subd. 5 Notice to City Required. This Section imposes a legal duty upon licensees to provide written notice to the City Administrator within 30 days that a licensed premises is no longer being rented as a residence. The licensee shall cooperate with the City to allow a prompt inspection of the licensed premises, by the City building official, to verify the licensed premises is no longer being used as a residential rental. Upon confirmation by the City building official that the premises is no longer being used as a residential rental, the premises shall be stricken from the City inventory of residential rentals until such time as the premises is once again used as a residential rental. Until the licensee provides the required 30-day written notice required herein and satisfies the inspection requirement, there shall be imposed upon the licensee a rebuttable presumption that the premises remains a residential rental, even if the residential rental license for the premises has expired.

1400.19 New License Application.

Subd. 1 The owner, agent or manager shall make initial application for a residential rental license on forms provided by the City for that purpose. The content of the application shall include at least all the following information:

- A. Name, address, telephone number, and email address of the dwelling owner, partners of a partnership, corporate officers of a corporation;
- B. Name, address, telephone number, and email address of the designated agent or manager if one is used;
- C. Legal address of the dwelling;
- D. Number of dwelling units in the dwelling if it is a multiple dwelling unit building;
- E. Number of legal bedrooms in each dwelling unit and the square footage of each legal bedroom; and,
- F. Maximum occupancy in each dwelling unit.

The applicant shall acknowledge:

- A. There are at least two (2) off-street parking places for each dwelling unit;
- B. The dwelling is provided with garbage collection services; and,
- C. That all real estate taxes, special assessments, municipal charges, fees, and utilities are paid current.

Subd. 2 Initial Inspection. Each dwelling unit which is part of the application for a new license shall undergo an initial inspection conducted by the City's building official. The purpose of the inspection is to ensure that all proposed rental units meet, and are fully compliant with, the standards set forth in this Chapter. The unit to be licensed shall be unoccupied and vacant for the initial inspection. Any occupants in the unit to be licensed must be removed by the applicant before inspection will be conducted, with the exception of a currently licensed unit where the property has been sold and will continue as a rental property. Unoccupied means no one is residing in the unit to be licensed.

Subd. 3 Rental Housing Owner and/or Manager Certification. The City shall provide each owner or manager, if so designated, with information on their responsibilities as an owner or manager with each new license. The owner or manager must certify they received the information and understand their

responsibilities. Additionally, the City will hold a voluntary informational session every other year for owners and managers. The session will cover owner responsibilities, inspections, utilities, crime free/drug free housing, and other issues related to rental housing in the City of Montgomery.

Subd. 4 Crime Free/Drug Free Housing Certification. The City shall provide each owner and/or manager a Drug Free/Crime Free manual. The owner and manager shall acknowledge in writing receipt of the manual, and shall further acknowledge that they understand their responsibilities under the Drug Free/Crime Free provisions. The content of the manual shall cover at least the following items:

- A. Explanation of Drug Free/Crime Free housing;
- B. Applicant screening and background checks;
- C. Lease and lease addendums;
- D. Narcotics and gangs;
- E. Owner and manager roles and responsibilities; and,
- F. Excessive use of law enforcement services.

Subd. 5 Issuance of New License. The application and results of the inspection shall be summarized and presented to the City Council with a recommendation to approve or deny the rental license. Reasons for a denial of an initial license shall be provided to the applicant in writing. The license shall state the address of the rental dwelling unit, license number, and expiration date.

1400.20 Renewal of Rental License. All current residential rental license holders must renew their license as provided for in this Chapter. Each renewal shall be completed on a form provided by the City for that purpose.

Subd. 1 Inspection Required. Each licensee seeking a residential rental license renewal shall have the licensed dwelling unit inspected by the City building official the third year following issuance of the initial license, as well as every three years thereafter. The inspection shall be conducted to ensure compliance with this Chapter.

Subd. 2 Issuance of Residential Rental License. The City shall renew a residential rental license to the applicant upon receipt of a completed application, payment of all fees, satisfactory inspection, if one is required, and providing that all other City requirements for licensing have been met. The license shall state the address of the rental dwelling unit, license number, and license expiration date.

Subd. 3 Denial of License Renewal. The City shall not renew a residential rental property license if:

- A. License fee remains unpaid; or
- B. Inspection fee(s) remain unpaid; or
- C. The utility bill is delinquent; or
- D. Real estate taxes, special assessments, and other municipal charges are unpaid or delinquent on the dwelling to be licensed. The previous sentence shall not apply if the unpaid and delinquent real estate taxes and/or special assessments are being contested in a court of competent jurisdiction; or
- E. The license is under suspension.

If the license renewal is denied, the City shall send notice to the licensee, said notice stating the reason for the denial, what the applicant must do to correct the problem, the time allowed for correction, and a statement regarding any penalty imposed upon licensee should the licensee not correct the problem within the time required by the City.

1400.21 Owner/Landlord Responsibilities. The owner/landlord of the licensed rental unit(s) shall, as a part of licensing and managing rental unit(s) in the City of Montgomery, be responsible for all actions of their tenants and tenants' guests.

1400.22 Lease Addendum Required. All written rental housing leases, except for state licensed residential facilities and those facilities subject to all preemptory state and federal laws, shall contain crime free/drug free language for all new lease agreements following the adoption of this Chapter or upon lease renewal as set forth in paragraph A of this Section. If there is no written lease, the owner shall have the tenant execute a written document containing all of the regulations in paragraph A of this Section and the tenant must acknowledge in writing an understanding that violation of these regulations will result in termination of the tenant's lease.

Subd. 1 Crime Free/Drug Free Housing Lease Addendum Language. The following text meets the requirement for the lease addendum. Similar language may be substituted, subject to review and prior approval of the City Administrator.

Subd. 2 Crime Free/Drug Free Addendum. The crime free addendum shall contain the following required language:

- A. Tenant, any members of the tenant's household, or a guest or other person affiliated with tenant, shall not engage in criminal activity, including drug-related criminal activity on or near the premises;



B. Tenant, any members of the tenant's household, or a guest or other person affiliated with tenant, shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the premises;

C. Tenant, any members of the tenant's household, or a guest or other person affiliated with tenant, shall not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or guest;

D. Tenant, any members of the tenant's household, or a guest, or other selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.

Violation of Crime Free/Drug Free Addendum. Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

Subd. 3 Review of Lease Addendum. The owner and/or operator of a rental dwelling shall make available to the City Administrator, upon request, copies of the rental housing lease addendum. The City Administrator shall make the request via U.S. mail to the owner and/or operator. Said person is deemed to have received the request three (3) days after the request is mailed. Upon receiving the written request from the City Administrator, the owner and/or operator shall provide the requested lease addendum within ten (10) business days of the written request. Failure to provide the required documents within the allotted time shall subject the owner and/or operator to an administrative service fee set by resolution of the City Council. If, after one month, the lease addendums are not received, or do not exist, the rental license shall be subject to suspension or termination by the City Council.

Subd. 4 Background Check Required. The owner, landlord, property manager, or operator of a licensed rental unit in the City of Montgomery shall conduct a background check as described and outlined by the Montgomery Police Department in the training provided for in Section 1400.19, Subd. 3 on tenants prior to tenant taking occupancy of the unit.

#### 1400.23 Administration and Enforcement.

Subd. 1 Occupancy Standards. Notwithstanding any private agreements between the landlord and occupant providing for more restrictive occupancy standards, the maximum occupancy shall be the maximum number of occupants in any rental dwelling unit shall not exceed two (2) persons per seventy (70) square foot bedroom, with each additional person beyond two (2) in that bedroom requiring an additional fifty (50) square feet of space.

Subd. 2 Notification Required. The owner, agent, or manager must advise the occupant, in writing, of the maximum number of occupants permitted in the occupied premises.

Subd. 3 Notice of Change. The owner, agent, or manager shall provide written notice to the City within five (5) days following any change to the information in Section 1400.19, Subd. 7 A, B or C.

Subd. 4 Transfer of License. Residential rental property licenses are non-transferable. Upon sale of property, the new owner shall make application for a new residential rental property license if the dwelling is to be used as a rental dwelling.

Subd. 5 Agents for Emergency Repair Required. Non-resident owners shall provide to their tenants and the City contact information as to who is responsible for emergency repairs if different from the individual listed on the application.

Subd. 6 Inspection on Tenant Complaint. The City shall cause an inspection to be conducted upon complaint by the tenant that the rental dwelling unit is believed to be in violation of minimum standards specified within this Chapter. The complaint shall be made in writing, on a form provided by the City, and the City shall act only after the tenant has given written, dated notice of the complaint to the landlord, and the landlord has had a reasonable time to cure the problem complained of.

Subd. 7 Inspection Authority. The building official shall conduct all inspections of rental dwelling units. The owner, agent, manager, or tenant must allow the building official access to all areas of the rental dwelling unit upon request. If the owner, agent, manager, or tenant refuses or fails to permit access or entry to all areas of the rental dwelling unit for inspection purposes, the City may, upon showing of cause, obtain orders from a court of competent jurisdiction for the inspection and the license application or renewal will be denied until the inspection is completed and the rental dwelling unit passes the inspection.

1400.24 Compliance. The City Administrator or designee shall ensure compliance with the provisions of this Chapter.

Subd. 1 Compliance Order. Whenever the City Administrator is advised and determines that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these, fails to meet the provisions of this Chapter, the City Administrator or designee shall issue a Compliance Order setting forth the violations of the Chapter and ordering the owner, agent or manager to correct such violations. The Compliance Order shall:

A. Be in writing;

B. State or describe the location and nature of the violation(s) of this Chapter;

C. State the specific violations of this Chapter;

D. Establish the deadline for the corrections of such violation(s) to be completed; and,

E. Be served upon the owner, agent or manager, with a copy to the occupant(s).

Subd. 2 Service of Compliance Order. Such notice shall be deemed to be properly served upon such owner, agent, manager or occupant if the Compliance Order is:

1. served upon the owner, agent or manager personally; or
2. deposited in the United States post office addressed to the owner, agent or manager at the address listed on the application; or
3. upon failure to affect notice by personal service or mail, posted at a conspicuous place in or about the dwelling which is affected by the notice.

Subd. 3 Required Response to Compliance Order. Upon receiving a second Compliance Order the owner, agent or manager shall submit a written report of the action taken to prevent further violations of this Chapter. This written report shall be submitted to the City Administrator within five (5) days of request for said report and the report shall detail all actions taken by the owner, agent or manager in response to all notices regarding violations of this Chapter.

Subd. 4 City Action. If the owner, agent, or manager fails to timely correct all violations set out in the compliance order provided for in this Section, then the City Administrator may do any of the following:

1. Refer the matter over to law enforcement for criminal prosecution;
2. Refer the matter over to the City Council for administrative action concerning the subject residential rental license; or,
3. Take both the criminal and administrative courses of action available in this Subdivision.

1400.25 Suspension of Residential Rental Property License.

Subd. 1 Activities That Cause Suspension. A residential rental property license may be suspended at any time during the license period by the City Council for any violations of this Chapter, including, but not limited to the following:

- A. Providing false or misleading information given or provided in connection with the license application or renewal.
- B. Failure to allow an inspection or re-inspection of the dwelling unit after having been provided fourteen (14) days' prior notice.
- C. Failure to respond to or correct a violation contained in a Compliance Order within the time prescribed.
- D. Receiving three (3) Compliance Orders for allowing or permitting prohibited conduct on the premises.
- E. Excessive consumption of law enforcement services.
- F. Failure to pay City utility bills, real estate taxes, assessments, or other charges pertaining to the subject property.

Subd. 2 Notice of Suspension. The City Administrator shall send written notice to the owner, agent or manager, with a copy to the tenant, via First Class United States mail, that the City Council will be considering suspension of the licensee residential rental license. The notice shall contain the following:

- A. Specific reasons for the suspension;
- B. All public documentation supporting the recommendation; and
- C. The date and time of the meeting at which the City Council will consider the action.

Subd. 3 Effect of Suspension. The owner, agent, or manager of the rental dwelling or rental dwelling unit whose license has been suspended under this Chapter shall not allow occupancy of the rental dwelling, or rental dwelling unit, following suspension if the unit becomes vacant during the period of suspension.

Subd. 4 Reinstatement of Suspended License. A residential rental property license suspended under Subd. 1 or 2 above may be reinstated by the City Council if the owner, agent or manager complies with the following requirements:

- A. Provides a written notice specifying what steps the owner, agent or manager have taken to remedy the condition causing the suspension and stating what steps are being taken to ensure no further violations of this Chapter will occur; and

B. Payment of the reinstatement fee as set by the City Council.

1400.26 Termination of Residential Rental Property License.

Subd. 1 Cause for Termination. The residential rental license for any rental dwelling or dwelling unit may be terminated by the City Council for the following:

A. The rental dwelling license has been suspended three (3) or more times;  
or

B. A search warrant was executed for controlled substances or other serious crime where arrests were made; or

C. The rental dwelling or rental dwelling unit has been declared not fit for human habitation by the building official. In the case of being declared not fit for human habitation, the owner, agent or manager shall cause the occupants to be removed and placed in alternate accommodations; or

D. Excessive use of law enforcement services; or

E. Failure to follow license renewal requirements of this Chapter, including inspection requirements; and,

F. Any other reason determined by the City Council related to any violation of this Chapter.

Subd. 2 Effect of Termination. The owner, agent or manager of the rental dwelling or rental dwelling unit whose license has been terminated under this Chapter shall cause the tenants to be evicted from the rental dwelling or rental dwelling unit. The owner, agent or manager shall not allow occupancy of the rental dwelling or rental dwelling unit following termination. It shall be illegal for any tenants to continue occupying a dwelling unit after the residential rental license for that unit has been terminated. A rental dwelling or rental dwelling unit license that has been terminated shall not be licensed as a rental dwelling or rental dwelling unit until a new license has been approved by the City Council as provided for in this Chapter.

Subd. 3 Reinstatement of Terminated License. A terminated license may be reinstated only after an application for a new license has been submitted and upon payment of all fees including any fines and fees as set by the City Council and upon approval by the City Council to issue the license as provided for in this Chapter.

Subd. 4 Notice of Termination. The City Administrator shall send notification of intent to terminate the rental dwelling license to the owner, agent or manager with a copy to the tenant via First Class United States postal service. The notice shall:

- A. Provide the reason(s) for the recommendation to terminate the license; and
- B. Provide any public documents supporting the recommendation to terminate; and
- C. Provide notice on when the recommendation to terminate the residential rental property license will be presented to the City Council. Owner, agent or manager shall have the right to present their case to the City Council as to why their license should not be terminated; and
- D. State the dwelling or dwelling unit shall not be occupied following the decision by the City Council to terminate the license; and
- E. State tenants shall be evicted following the decision by the City Council to terminate the license.

1400.27 No Warranty by the City. By enacting this and undertaking to enforce this Chapter, neither the City nor its City Council, agents, or employees warrant or guarantee the safety, fitness, nor 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.

1400.28 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.

## Section 1499 – PENALTY

### 1499.01 Penalties.

Subd. 1 Criminal Prosecution. The City, at its discretion, may refer a violation of this Chapter to the City Attorney for prosecution. Violation of this Chapter is a misdemeanor punishable by a sentence of not more than ninety (90) days in jail or payment of a fine of not more than \$1,000.00, or both. 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.

Subd. 2 Administrative Penalties. An owner, agent, manager, or tenant who has been found in violation of this Chapter and who does not comply with compliance orders within the timeframe provided may, at the City's discretion, be subject to an administrative fine for each day in which the violation continues. The fine shall be an amount established by the City Council. Unpaid fines shall be subject to certification to the property taxes by the City Council.

Subd. 3 Non-Exclusivity of Remedies. Violations of this Chapter of the Montgomery 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.