

## **ORDINANCE NO. 147**

### **AN ORDINANCE REVISING TITLE 4, CHAPTER 4 OF THE SLEEPY EYE CITY CODE REGARDING RENTAL HOUSING AND RENTAL INSPECTIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SLEEPY EYE shall amend Title 4, Chapter 4, entitled “Rental Housing”, in its entirety, as follows:

#### **4-4-1: LEGISLATIVE FINDING**

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

#### **4-4-2: DEFINITIONS**

The following terms, as used in this chapter shall have the following meanings:

**DWELLING:** Any structure designed or intended to be used primarily for residential purposes.

**DWELLING UNIT:** Any specific area, space, or rooms in any building, structure or enclosure or any part thereof, including any mobile home, rented or leased, or offered for rent or lease, by any person(s) to any other person(s) for use for residential purposes by such other person(s).

**HABITABLE SPACE (ROOM):** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

**LONG-TERM HOTEL DWELLING UNIT:** A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of more than one week.

**ROOMING HOUSE DWELLING UNIT:** Any specific area, space, or room in any building, structure or enclosure or any part thereof, within a dwelling used or held out to be a place where sleeping accommodations are furnished to the public as regular roomers for periods of one week or more.

#### **4-4-3: EXEMPTION**

This chapter does not apply to the following:

1. any hotel or motel room, other than a long-term hotel dwelling unit or rooming house dwelling unit;
2. dwelling unit that has been sold on a contract for deed, so long as the vendee occupies the property and the sale document used to memorialize the sale is recorded with the Brown County Recorder's Office and a copy is provided to the City; and
3. facility licensed by the State of Minnesota or any agency of the United States government, or to a dwelling which, by reason of federal or state law or regulation, are subject to annual agency-inspection of 100% of the rental units. Proof of said license and annual inspections shall be provided to the rental inspector to verify that this chapter does not apply.

#### **4-4-4: LICENSE REQUIRED**

It is unlawful for any person, as the owner, manager or other person having control of any dwelling, to lease, rent or permit to be leased or rented or occupied, any dwelling within the City without first having obtained a rental license for such dwelling from the City of Sleepy Eye.

Fees for a license shall be established via resolution of the City Council.

Each license issued pursuant to this chapter may be transferred to another party, provided that any licensee shall give written notice of such transfer to the City at least forty eight (48) hours prior to the transfer of the licensed premises, which notice shall include the name and address of the transferee. A fee for said transfer of license shall be established via resolution of the City Council.

Upon obtaining a rental license, the owner of the dwelling is responsible for providing a copy of the rental license to the tenant(s).

#### **4-4-5: APPLICATION**

Applications for a rental license shall be made to the City Clerk using forms furnished by the City for that purpose. Applications shall include the following information:

1. name, address, and phone number (and email address, if any) of the owner;
2. name, address, and phone number (and email address, if any) of the designated local property manager, if any;
3. street address of the rental property;
4. number of units; and
5. square footage of each dwelling unit and the maximum number of occupants for each dwelling unit.

#### **4-4-6: LICENSE EXPIRATION**

Each license issued pursuant to this chapter shall expire two years from the date the license was issued.

#### **4-4-7: INSPECTION**

Initial inspections of all units hereunder will occur within the first year after the effective date of this ordinance. Properties will have scheduled re-inspections on a schedule to be determined by the City. All properties shall be inspected by the City at least once every two years. The City shall have the right to make additional inspections of all properties based on complaints of received. Licenses can be revoked at any time on grounds as set out in this ordinance.

#### **4-4-8: PROCEDURE**

Upon receipt of a completed application, such application to be provided by the City of Sleepy Eye, for any rental license, the City Clerk shall forward a copy of such application to the rental inspector, whereupon the inspector shall, within ten (10) days after receiving such application, inspect the dwelling to be licensed to determine whether such dwelling complies with the provisions of applicable codes. No rental license shall be issued by the City unless the dwelling complies with provisions of this Code which pertain to such dwelling. In addition, no license shall be issued if the dwelling does not meet the requirements of this chapter. An inspection shall be completed with every license application.

Period allowed for correction of inspection violations shall be set by the rental inspector but shall not exceed thirty (30) days unless such violations threaten life and health which shall not exceed ten (10) days. The rental inspector shall notify the owner and property manager, if any, as named in the application, shall be notified of inspection violations via first class mail or hand delivery to the address in the application.

The City shall notify the owner if a license is denied, or the license is being suspended, revoked, or not renewed. A suspension or revocation shall take effect thirty-five (35) calendar days after the date of the notification order, or at such late date as set out in the notification.

#### **4-4-9: FEES**

All fees and penalties associated with rental house and inspections, including but not limited to license fees, penalties for reinspection, fees for a failure to keep scheduled appointments, penalties for willful neglect of licensing application, penalties for failure to comply with inspection requirements, or penalties related to immediate health and safety violations, shall be set by resolution of the City Council of Sleepy Eye.

Failure to pay required fees will result in the City assessing such amount to the property through the County.

Violations of this chapter shall constitute a misdemeanor.

#### **4-4-10: DENIAL, SUSPENSION, REVOCATION**

The City may deny the issuance or renewal of a rental license for the following reasons:

1. The applicant fails to provide any information required on the City's form, or provides false or misleading information;
2. The applicant has real estate taxes and/or special assessments levied against the rental property and/or other fines, fees, charges or other financial claims owed to the City or the State of Minnesota that have not been paid;
3. The rental property or any rental unit fails a property inspection in the opinion of the rental inspector.
4. The applicant has outstanding building, fire or property maintenance standards violations, fines, penalties or delinquent utility charges owed to the City.
5. A development contract or land use requirement that restricts rental units.

An applicant who is denied a rental license will receive written notice of the denial and reasons for the denial and may request a hearing before the City Council pursuant to the provisions of this Chapter.

#### **4-4-11: APPEALS**

Any person aggrieved by a fee or penalty or loss of license issued under this chapter may file a petition with the City Clerk within ten (10) days after the issuance of such decision.

1. Upon receipt of the petition, the City Manager, or his designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.
2. At the hearing, the petitioner shall be given an opportunity to show cause why the fee, penalty or loss of license should be modified or withdrawn. The petitioner may be represented by counsel or petitioners of choosing at his/her expense.
3. The hearing shall be conducted by the City Manager.
4. The decision of the City Manager may be appealed to the City Council. A petitioner seeking a decision of the City Council must file a written petition with the City Clerk within ten (10) days of the decision of the City Manager. The matter will thereupon be placed on the City Council agenda as soon as is practical. The City Council shall review the findings of fact and conclusions to determine whether they were correct. The City Council may revise, reverse or modify or affirm the decision of the City Manager.

#### **4-4-12: SPACE AND STRUCTURE STANDARDS**

A. Every dwelling unit other than a long-term hotel dwelling unit or a rooming house dwelling unit shall have a room or portion of a room in which food may be prepared and cooked, which shall have adequate circulation area, and which shall be equipped with the following:

1. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the City of Sleepy Eye and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the City of Sleepy Eye.
2. Cabinets or shelves for the storage of eating, drinking and cooking equipment and utensils and of food that does not in ordinary summer condition require refrigeration for safe keeping; and a counter or table for food preparation; said cabinets or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
3. A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than forty degrees Fahrenheit (40°F) but more than thirty two degrees Fahrenheit (32°F) under ordinary maximum summer conditions, which are properly installed with all necessary connection for safe, sanitary and efficient operation; provided that such stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy.

B. Within every dwelling unit, other than a long-term hotel dwelling unit or rooming house dwelling unit, there shall be provided a water closet, lavatory sink, and bathing facilities, equipped as follows:

1. A non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be properly connected to a sewer system which is approved by the City of Sleepy Eye. The room shall have an operable window, mechanical ventilation, or fan for proper air circulation.
2. A lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the appropriate authority.

3. A room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.

C. Every long-term hotel dwelling unit and rooming house dwelling unit shall have access to a water closet, lavatory sink, and bathing facilities equipped within the specifications of subsection B of this section. Each of these facilities may be available or used by no more than two (2) long-term hotel or rooming house dwelling units.

D. Every dwelling unit, long-term hotel dwelling unit, and rooming house dwelling unit shall have at least two (2) means of egress. Bedrooms located below the first floor shall be provided with an exterior door or window of such dimensions and construction as to be used as a means of emergency egress.

E. Access to and from each dwelling unit, long-term hotel dwelling unit, and rooming house dwelling unit shall be provided without passing through any other dwelling unit, long-term hotel dwelling unit, or rooming house dwelling unit.

F. No person shall let to another for occupancy any dwelling unit, long-term hotel dwelling unit, or rooming house dwelling unit unless all exterior doors and windows of the dwelling unit are equipped with appropriate, functioning locking devices.

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

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

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

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

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

L. Every plumbing fixture and pipe, every chimney, flue and smoke pipe, every mechanical and electrical fixture and component, and every other facility, piece of equipment, or utility which is present in a dwelling unit, long-term hotel dwelling unit, or rooming house dwelling unit which is required under this chapter, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the Uniform Housing Code, City of Sleepy Eye, and the State of Minnesota.

M. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued from any occupied dwelling unit, long-term hotel dwelling unit, or rooming house dwelling unit; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

N. Every dwelling shall be equipped with smoke detectors and carbon monoxide detectors as required by Minnesota State Building Code.

O. Every dwelling unit must be maintained in compliance with State of Minnesota health code, State of Minnesota fire code, blight, nuisance, and noise ordinances of the City, State of Minnesota nuisance statutes, State of Minnesota dwelling maintenance standards, as now in force and hereafter amended, revised, or replaced, and in compliance with all other standards, ordinances, laws, and regulations governing use, occupancy, construction, and maintenance of property and conduct of persons in or on that property. Licenses under this chapter do not constitute certification of compliance with such codes, standards, ordinances, or statutes

#### **4-4-13: OCCUPANCY STANDARDS**

Permissible Occupancy Of A Dwelling Unit: The maximum permissible occupancy of any dwelling unit shall be deemed as follows:

1. Minimum Space: For the first two (2) occupants, two hundred twenty (220) square feet of habitable room floor space and for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor space.
2. Maximum Occupancy: In no event shall the total number of occupants exceed two (2) times the number of habitable rooms, less kitchen, in the dwelling unit.
3. Occupancy Of Sleeping Rooms: In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room floor space: seventy (70) square feet for one person; ninety (90) square feet for two (2) persons; and required habitable room floor space shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

4. Copy Of Occupancy Standards: All lease principals will receive a copy of the occupancy standards in this section in writing from the landlord.

#### **4-4-14: PARKING**

All leases on downtown apartments shall contain language requiring tenants to park off of Highway 14 for anything beyond momentary parking.

#### **4-4-15: WRITTEN NOTICES.**

Notices from the City required by this chapter shall be effective if personally delivered or if mailed by first class mail.

#### **4-4-16: INJUNCTIVE RELIEF**

Nothing in this chapter prevents the City from taking enforcement action under any of its fire, housing, zoning, healthy, safety, or other codes, ordinances and state laws for violations thereof, or to seek injunctive relief for violations of any ordinance, code, or law. Nothing contained in the chapter prevents 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 chapter or to obtain an order closing such rental units until violations of this chapter have been remedied by the property owner or designated property manager.

#### **4-4-17: CRIMINAL PENALTIES.**

Any person who violates any provision of this chapter shall, upon conviction thereof by lawful authority, be punished by a fine not to exceed the maximum penalty for misdemeanor crimes, together with the costs of prosecution. All costs of prosecution will be assessed to the property owner. Each day that a violation continues shall be deemed a separate punishable offense.

No provision of this chapter designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in the chapter because of failure to perform such duty.

Passed by the City Council for the City of Sleepy Eye, on July 9, 2019.

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Wayne Pelzel, Mayor



I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on July 9, 2019, in accordance with the Charter Provisions and state laws provided therefore.

Dated: July 9, 2019

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Michelle Strate, City Clerk

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