

425.29. Energy standards. Subdivision 1. Weatherization requirements. Dwellings which are rented or occupied during all or a portion of the months of November through April must comply with the weatherization requirements of this subsection.

Subd. 2. Install and maintain weather-stripping between exterior operable window sash and frames and between exterior doors and frames. Weather-stripping is not required on storm doors or storm windows. (Amended, Ord. No. 03-06)

Subd. 3. 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 services through walls, floors and roofs and all other openings in the exterior envelope.

Subd. 4. Install and maintain storm windows on all single glazed exterior window units enclosing conditioned space. (Amended, Ord. No. 03-06)

Subd. 5. Install and maintain storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule or other appurtenance provides a double door effect or provides an "R" value of two or more. (Amended, Ord. No. 03-06)

Subd. 6. Install positive shut-offs for all fireplaces or fireplace stoves, unless an existing damper provides a positive shut-off.

Subd. 7. Install insulation in accessible attics 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 insulated to capacity.

Subd. 8. Install insulation in accessible walls and floors enclosing conditioned spaces to achieve a minimum total "R" value of the insulation of R-11 when there is no insulation in a substantial portion of the exterior walls or floors over an unconditioned space. Accessible walls shall not include above grade foundation walls of basements. If there is insufficient space for the installation of the recommended "R" value, then the available space must be insulated to capacity.

425.31. Inspection and licensing of rental dwellings. Subdivision 1. Rental dwelling license. No person may operate, let, or cause to be let, a rental dwelling without first having obtained a license to do so from the City as hereinafter provided. Upon receipt of a properly executed application for licensing, the enforcement officer shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the PMC, other City ordinances, and the laws of the state. No operating license may be issued or renewed unless the rental dwelling and its premises conform to the ordinances and law. In addition, no license shall be issued or renewed until such time as all real estate taxes and City utility bills for the premises which are due have been paid. Real estate taxes will not be considered to be due and unpaid for purposes of this section while a proper and timely appeal of such taxes is pending and is diligently pursued to completion by the landowner. Each such operating license shall be issued biennially and shall expire at the end of the second year. A license renewal application shall be filed at least 60 days prior to license expiration date. Every rental dwelling will be reinspected after a renewal application. If a structure or dwelling unit is not in compliance, a reinspection may be ordered to verify that conditions and any corrections conform to the provisions of this section or any other applicable ordinance. (Amended, Ord. No. 03-06; Ord. No. 08-10; Ord. No. 10-13; Ord. 14-02)

Subd. 2. Initial/conversion rental housing owner training required. All property owners converting any single unit to rental use must attend a training session within six months of obtaining a rental license. This training shall review rental property regulations and owner obligations including, but not limited to, utility billing which can be assessed to the property and repeat nuisance call fees. Where the owner designates a local manager representative to attend the meeting, written materials will be sent to the owner who must certify that the material has been read and understood. (Added, Ord. No. 10-13)

Subd. 3. Crime free housing training/certification required. The owner of a rental dwelling may not operate, let, or cause to be let, a rental dwelling without first having scheduled the required crime free housing owner/manager training program offered by the City. A shorter training session will be available to those who have completed a comparable program containing all of the components in subdivision 3(b) of this section in another municipality but not Robbinsdale-specific training. Any owner who has completed a comparable program containing all of the components in subdivision 3(b) of this section in another municipality and who has completed the initial/conversion rental housing owner training (subdivision 2 of this section) may be excused from this training. (Added, Ord. No. 10-13)

- (a) Training schedule. The police department shall provide quarterly training session opportunities. (Added, Ord. No. 10-13)
- (b) Training curriculum. The training will be a course, not to exceed four hours, which is approved by the Chief of Police. Components of the program shall include, but not be limited to, the following subject matter: (Added, Ord. No. 10-13)
 - (1) Introduction to crime free multi-housing;
 - (2) Phases I-III of CFMH;
 - (3) Rental applications and housing discrimination;
 - (4) Screening and background checks;
 - (5) Lease and lease addendums;
 - (6) Unlawful detainer and eviction;
 - (7) Manager/owner policies and roles;
 - (8) Data privacy;
 - (9) Narcotics and gangs;
 - (10) Section 8 housing;
 - (11) Rental licensing; and
 - (12) Repeat nuisance service fees.

(Added, Ord. No. 10-13)

- (c) Mandatory training certification. Upon successful completion of training, the police department shall make note of this fact and satisfactory completion of the training shall remain valid until such time a new owner and/or operator becomes responsible for managing the property. (Added, Ord. No. 10-13)

Subd. 4. Failure to complete training. Failure to complete the required initial/conversion rental housing owner training or crime free housing training/certification training within six months shall subject the owner to a service fee (set forth in Appendix B) for each month that training is not completed for a maximum of three months. If after three months (9 months total) the training has not been completed the rental license(s) may be subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13)

Subd. 5. Lease addendum required. All rental housing leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain crime free/drug free language for all new lease agreements beginning January 1, 2011 or upon lease renewal as set forth in paragraph (a) of this subdivision below. In situations where there is no written lease, the owner shall have the tenant execute a written agreement containing all of the regulations contained in paragraph (a) of this subdivision and acknowledging that violation of those regulations will result in termination of the tenancy. (Added, Ord. No. 10-13)

- (a) Crime free/drug free housing lease addendum language. The following text meets the requirement for the lease addendum. Similar or equivalent language may be substituted, subject to review and prior approval by the City Manager.

Crime free/drug free addendum:

- (1) 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; (Added, Ord. No. 10-13)
- (2) 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; (Added, Ord. No. 10-13)
- (3) Tenant or members of the household will 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 a guest; (Added, Ord. No. 10-13)
- (4) Tenant, any members of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise. (Added, Ord. No. 10-13)

Violation of crime free/drug free addendum. Violation of the above provision shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy. (Added, Ord. No. 10-13)

- (b) Review of lease addendums. The owner and/or operator of a rental dwelling shall make available to the police department upon request copies of rental housing lease addendums. The police department shall make the request via U.S. Mail to the owner and/or operator. Said person is deemed to have received the request three days after the request is mailed. Upon receiving the written request from the police department, the owner and/or operator shall provide the requested lease addendums within ten 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 forth in Appendix B). If after one month, the lease addendums are not received, or do not exist, the rental license is subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13)

Subd. 6. License fees. The license fees are due 60 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two years, license fees will be pro-rated monthly. A license fee paid later than ten working days after the prescribed date is subject to an additional administrative service charge set by Appendix B. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension; however, within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling, and submission of the transfer and the name and address of the person or entity succeeding to the ownership or control of such rental dwelling or dwellings on a form supplied by the City, the licensee shall be entitled to a license fee refund, prorated monthly, less a \$50.00 administrative fee. The license fee is set by appendix B. (Amended, Ord. No. 06-02; Ord. No. 07-18; Ord. No. 08-10; Ord. No. 10-13)

Subd. 7. Owner or agent to apply. License application or renewal must be made by the owner of rental units. A new owner must register a building within ten days after acquiring it. The enforcement officer must be notified of any address change or other contact information changes including primary phone number(s), within ten days. Application forms may be acquired from and subsequently filed with the enforcement officer. The applicant must supply: (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 10-13)

- (a) Name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) Name, address, and telephone number of designated resident agent, if any;
- (c) Name, address, and telephone number of vendor, if the dwelling is being sold through a contract for deed;
- (d) Legal address of the dwelling;
- (e) Number of dwelling units within the dwelling;
- (f) At least one emergency telephone number.
- (g) Copy of Mandatory Crime Free Training Certification; and (Added, Ord. No. 10-13)
- (h) Copy of crime-free/drug free lease addendum. (Added, Ord. No. 10-13)

Subd. 8. Resident agent required. An operating license may not be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington or Wright) unless such owner designates in writing to the enforcement officer the name of owner's resident agent (one who does reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington or Wright) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City code and to receive orders or process pursuant to law. The enforcement officer must be notified in writing within ten days of the following changes: resident agent, agent address, and/or agent phone number(s). This requirement may be waived if, in the enforcement officer's determination, the owner not living in one of the above specified counties, is nonetheless sufficiently accessible for the purposes of the PMC. (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 10-13; Ord. No. 14-02)

Subd. 9. Conformance to laws. An operating license will not be issued or renewed unless the rental dwelling and its premises conform to City ordinances and state law. (Amended, Ord. No. 10-13)

Subd. 10. Inspection condition. An operating license may not be issued or renewed unless the owner of rental units agrees in the application to permit inspections pursuant to subsection 425.33. The owner or agent is required to accompany the enforcement officer at either the inspection or a reinspection of the property at least once during the license period. It is the responsibility of the owner or agent to schedule the required rental inspection with the City of Robbinsdale and to notify the renter of the inspection in a reasonable period of time at least 24 hours prior to all inspections or reinspections. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 11. Posting of license. The licensee of a multiple dwelling must cause to be conspicuously posted in the main entry way or other conspicuous location therein, the current license for the respective multiple dwelling. In the case of one and two family dwellings, a copy of the license shall be given to the renter also. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 12. Provision of information to tenants. The licensee shall provide each new tenant a copy of the City of Robbinsdale's solid waste program information (for those in 1 to 4 unit dwelling units) and a copy of the repeat nuisance call for service fee (City code section 927). (Added, Ord. No. 10-13)

Subd. 13. License not transferable. An operating license is not transferable to another person or to another rental dwelling. Every person holding an operating license must give notice in writing to the enforcement officer within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. (Amended, Ord. No. 10-13)

Subd. 14. License suspension or revocation. An operating license is subject to suspension or revocation, for the entire rental dwelling or for individual rental dwelling units, by the City Council if the licensed owner or duly authorized resident agent fails to permit any rental inspection required under this code, or fails to operate or maintain the licensed rental dwellings and units therein consistent with the provisions of the City code and the laws of the state of Minnesota.

- (a) Suspension or revocation with continued occupancy by current tenants. In the event that an operating license is suspended or revoked by the City Council, other than as further specified in subdivision 14(b) it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council. An accurate, current list of such vacant dwelling units shall be provided to the City and maintained onsite by the owner of the property, suitable for the purposes of identification and inspection under section 425.33 by the enforcement officer until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit has been denied a license, has had its operating license suspended or revoked, it shall be posted with a placard by the City Manager to prevent further occupancy. No person, other than the City Manager, shall remove or tamper with any placard used for posting. The City Manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Amended, Ord. No. 07-18; Ord. No. 10-13)

- (b) Suspension or revocation due to property being unfit for human habitation. In the event that an operating license is suspended or revoked by the City Council due to being unfit for human habitation, it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new or continued occupancies of said rental units until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit is unfit for human habitation, it shall be posted with a placard by the City Manager to prevent further occupancy. No person, other than the City Manager, shall remove or tamper with any placard used for posting. The City Manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Added, Ord. No. 10-13)

Subd. 15. License suspension or revocation for excessive calls. An operating license for individual rental dwelling units is subject to suspension or revocation by the City Council; (i) if there have been four substantiated repeat nuisance service calls (as outlined in City code section 927) involving the same tenancy within a continuous 12 month period, and (ii) the owner does not terminate the tenancies of the responsible tenants as provided in subdivision 2(c) of section 425.32. (Added, Ord. No. 10-13)

425.32. Crime-free housing/excessive call violation notice and procedures. Subdivision 1. Notice. Upon determination by the police department that a licensed rental dwelling was used in violation of the crime free/drug free lease addendum provisions and/or excessive call provisions listed in sections 425.31, subdivision 15, the police department shall cause written notice to be made to the owner of the violation(s). The written notice must: (Added, Ord. No. 10-13)

- (a) Identify the lease addendum violation(s) or the excessive calls that occurred at the property, and the dates of any previous violation(s); (Added, Ord. No. 10-13)
- (b) Inform the owner that owner shall notify the responsible tenant(s) within ten days of the lease addendum violation(s) and/or the repeat nuisance service calls; (Added, Ord. No. 10-13)
- (c) Direct the owner to proceed with the termination of the tenancy of all responsible tenants occupying the units; and (Added, Ord. No. 10-13)
- (d) Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner and/or operator at the last known address. (Added, Ord. No. 10-13)
- (e) Notify the owner of the right to appeal the lease addendum violation and/or the excessive calls as further specified in subdivision 3 below. (Added, Ord. No. 10-13)

Subd. 2. Crime-free housing violation and/or repeat nuisance service call license suspension/revocation – termination of tenancy. (Added, Ord. No. 10-13)

- (a) Upon a violation of the crime free/drug free lease addendum, and/or excessive calls, owners shall terminate tenancy of all responsible tenants occupying the unit in a reasonable amount of time to account for applicable court proceedings and for other considerations not to exceed 60 days. The owner shall not offer any unit within the City for rent to any tenant removed under this paragraph for at least one year after the date of removal. (Added, Ord. No. 10-13)
- (b) Owners shall notify the police in writing of tenant termination proceedings and provide copies of any applicable documents within ten days of receiving initial notice of the violation(s) from the police department. (Added, Ord. No. 10-13)
- (c) Any owner who fails to proceed with an action to terminate the tenancy after police department notification in accordance with a crime free/drug free violation and/or excessive calls shall be assessed an administrative fee (set forth in Appendix B) for each calendar month that the owner fails to proceed. If after three months the responsible tenant has not been evicted, the rental license(s) may be subject to suspension or revocation by City Council. Owner's action to take appropriate measures, including a failed eviction process, may be presented as a defense during the hearing. If the evidence establishes that the owner initiated and pursued the eviction process in good faith, but failed neither the fee nor a rental license sanction shall apply. If the City Manager is satisfied that the owner proceeded in good faith to secure termination of the tenancy, but was unsuccessful for reasons beyond the owners reasonable control, then the owner will not be subject to the penalties contained in this paragraph as to such violation and/or excessive calls. (Added, Ord. No. 10-13)

Additional nuisance service fees as outlined in section 927 (repeat nuisance service calls) may also be assessed to the property, if applicable. Any outstanding fees must be paid prior to the City renewing a rental license for the licensed property. (Added, Ord. No. 10-13)

Subd. 3. Crime-free housing/excessive call violation right to appeal lease addendum violation(s) and/or right to appeal imposed service fees. (Added, Ord. No. 10-13)

- (a) The owner who received notice of the violation or imposed service fee must request a hearing within ten business days of the mailing of the police department notice, excluding the day the notice is mailed. The request for a hearing must be in writing and delivered to the City Clerk. The hearing will occur within 14 days of the date of request. If the owner fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Added, Ord. No. 10-13)
- (b) The hearing will be conducted by the City Manager in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the City Manager will make written Findings of Fact and Conclusions regarding the excessive calls, lease addendum violation(s) and/or imposed service fees. The City Manager will serve the Findings of Fact and Conclusions upon the owner and/or operator by U.S. Mail within five business days of the hearing. Upon a finding that a crime free housing violation and/or excessive calls have occurred, the City Manager shall refer the matter to the City Council for consideration of suspension or revocation of the license. (Added, Ord. No. 10-13)
- (c) If the appeal involves a request by the owner that it be excused from its obligation to proceed with termination of the tenancy, and if the City Manager determines: (i) that it is unlikely that an action to terminate the tenancy would be successful; and (ii) that the expense of such action is not justified given the probable outcome, the owner will be relieved from any further obligation under subdivision 2 as to the violation notice. (Added, Ord. No. 10-13)
- (d) If the appeal involves a request by the owner that it be allowed to seek termination of the tenancies of less than all of the responsible tenants, and the City Manager determines: (i) that the responsible tenant(s) sought to be released from termination were not directly involved in the conduct, (ii) that any non-tenant occupants of the same rental dwelling involved in the conduct are no longer occupying the unit; and (iii) that the objective sought to be served by termination would be achieved by granting owner's request, the owner will be relieved from any obligation to terminate the tenancy of the responsible tenants so released. (Added, Ord. No. 10-13)
- (e) If the owner fails to appear at the scheduled hearing the right to a hearing is waived. (Added, Ord. No. 10-13)

Subd. 4. Crime-free housing recovery of fees. Any unpaid fees resulting from violations of crime free housing requirements in sections 425.31, subdivision 4; 425.31, subdivision 5(b); or 425.32, subdivision 2(c), may be collected by appropriate legal means. (Added, Ord. No. 10-13)

425.33. Inspection and enforcement. Subdivision 1. Administration and enforcement. The enforcement officer administers and enforces the provisions of the PMC and may cause inspections on rental dwelling units on all classes of property within the City on a scheduled basis, whether on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of the code exists, has been or is being committed. The enforcement officer may cause inspections on non-residential buildings and structures when reason exists to believe that a violation of the code exists, has been or is being committed. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 2. Authority. In the absence of a timely appeal under the PMC or any other applicable provision of law, the enforcement officer is the final authority in the determination of a violation under the PMC. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 3. Inspection access. The occupant of any property must give the owner or operator thereof, or agent or employee, access to any part of such building, or its premises, at reasonable times for the purpose of effecting inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this section. If any owner, occupant, or other person in charge of a building or related premises fails or refuses to permit free access and entry to the structure or premises under control of that person for an inspection pursuant to the PMC, the enforcement officer take appropriate legal action including but not limited to the issuance of a citation and a court order authorizing such inspection. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 4. Compliance order. Whenever the enforcement officer determines that any building, dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of the PMC, the officer may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, and/or agent to correct such violations. The compliance order must: (Amended, Ord. No. 03-06; Ord. No. 14-02)

- (a) Be in writing;
- (b) Describe the location and nature of the violations of the PMC; (Amended, Ord. No. 03-06; Ord. No. 14-02)
- (c) Establish a time for the correction of such violations;
- (d) Include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to subsection 425.35;
- (e) Be served upon the owner or owner's agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - (1) Served personally, or
 - (2) Deposited in the U.S. Post Office addressed to the owner at owner's last known address with postage prepaid, or
 - (3) Upon failure to effect notice by personal service or by mail, posted at a conspicuous place in or about the building or dwelling which is affected by the notice. (Amended, Ord. No. 14-02)

Subd. 5. Emergency cases. When a violation of the PMC constitutes an imminent peril to life, health, or property, the enforcement officer may specify an immediate and exact time for the correction of the violation. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal. Situations which constitute an imminent peril to life, health, or property include, but are not limited to the following: (Amended, Ord. No. 03-06; Ord. No. 14-02)

- (a) Heating systems that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.
- (b) Water heaters that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, rusted out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves.
- (c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; expose uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded appliances in a hazardous condition. If overloading is suspected, the enforcement officer may require inspection and certification of all or part of the electrical system by a state licensed electrician.
- (d) Plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines.
- (e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads.
- (f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air.
- (g) Infestation of rodents, insects, and other vermin.
- (h) Lack of operational smoke detectors. (Added, Ord. No. 07-18)

Subd. 6. (Deleted, Ord. No. 07-18)

Subd. 7. Execution of compliance orders by public authority. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the enforcement officer to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.

Subd. 8. Built-in deficiencies. Certain specific deficiencies may be deemed to be beyond reasonable correction by the enforcement officer and therefore waived from meeting the requirements of this section. Deficiencies which will be waived will be those that the enforcement officer finds to have been in conformance with all existing applicable codes at the time that the work was done and that are not causing adverse affects on the health or safety of the occupants of the unit. Other deficiencies which will be waived from meeting the requirements of this section shall be limited to the following:

- (a) Ceiling heights. Any existing habitable room with a ceiling height of between six feet six inches to seven feet shall be considered a built-in deficiency which is beyond reasonable correction.
- (b) Superficial floor area. Any existing habitable room of less than 70 square feet shall be considered a built-in deficiency and beyond reasonable correction.
- (c) Natural light and ventilation. Any existing habitable room with window area less than 8% of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required window area be less than 5% of the floor area, or less than required for sleeping rooms by subsection 425.27.
- (d) Entry doors. Any existing dwelling which does not have at least one doorway that is at least 36 inches wide and at least 80 inches high, providing access to and egress from said dwelling, shall be considered a built-in deficiency, provided there is at minimum, one access/egress doorway is at least 32 inches wide and at least 80 inches high.
- (e) Stairways. An existing stairway that does not meet the standards for maximum rise and minimum run may be considered a built-in deficiency if it is not considered hazardous by the enforcement officer.
- (f) Landings. An existing stair landing that does not meet the minimum required length and width of three feet may be considered a built in deficiency if it is not considered hazardous by the enforcement officer. (Added, Ord. No. 03-06)

Subd. 9. Reinspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the enforcement officer may reinspect the premises to determine whether those corrective actions have been sufficient to bring the violations into compliance. If the premises are in substantial compliance with requirements of this section as of the time of the inspection or reinspection, the enforcement officer may issue the license in accordance with the requirements of section 425.31. (Amended, Ord. No. 03-06)

Subd. 10. Reinspection-non-compliance. If after the period allowed for compliance has elapsed, the enforcement officer determines on the basis of a reinspection that the violation has not been corrected, the enforcement officer may issue a citation or may file a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the section(s) violated. The City may also take action to correct violations under the provisions of subdivision 7. Fees for reinspection may apply as outlined in appendix B. (Amended, Ord. 99-13)

Subd. 11. No warranty by City. By enacting and undertaking to enforce the PMC neither the City nor its council, agents or employers warrant or guarantee the safety, fitness or suitability of any building in the City, and any representation to the contrary by any person is a misdemeanor. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental dwelling license. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 12. Administrative Fee. An administrative fee shall be due and payable by the property owner for when a required rental inspection when more than 30 days has elapsed without a required rental inspection during the inspections assigned month. This fee is in addition to any other fee or fine that may result from uncorrected PMC violations. Fees shall be as established by Appendix B. (Added, Ord. No. 07-18; Ord. No. 14-02)

425.35. Appeals. Subdivision 1. Right of appeal. Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten business days after service of the compliance order. The filing fee is set by Council resolution. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety.

Subd. 2. Board of appeals decision. Upon at least five business days notice to the appellant of the time and place for hearing the appeal, and within 30 days after said appeal is filed, the City Council must hold a hearing thereon, at which the applicant may appear and present evidence as to why the compliance order, or any portion thereof, should not be issued. The City Council may reverse, modify or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council may postpone a meeting and hold hearing at a later date, not to exceed 60 days after the appeal is filed, when it is necessary to do so.

425.37. Penalties. Any person who fails to comply with a compliance order within the time limits specified therein and any person who violates any of the provisions of the PMC by doing any act or omitting to do any act which constitutes a breach of any section of the PMC shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or imprisonment, and may be subject to administrative penalties and civil action as prescribed by state law and city code. Each day of such failure to comply constitutes a separate offense. (Amended, Ord. No. 03-06; Ord. No. 14-02)