

## **CHAPTER 95: HOUSING, RENTAL PROPERTY, MAINTENANCE & OCCUPANCY**

The City Council of Starbuck, MN ordains...

### Section

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Section 95.01: **PURPOSE:** To protect the citizens' public health, safety, and general welfare. These general objectives include, among others, the following:

- a) To protect the character and stability of residential areas within the City;
- b) To correct and prevent housing conditions which adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well being of persons occupying dwellings within the City;
- c) To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of building occupants;
- d) To provide minimum standards for light and ventilation, necessary to health and safety;
- e) To prevent overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit;
- f) To provide minimum standards for maintaining existing residential buildings, and to thus prevent slums and blight;
- g) To preserve the value of land and buildings throughout the City.

Section 95.02: **CITY NOT AN ARBITER.** With respect to rental disputes, and except as otherwise specifically provided in this Ordinance, the City Council does not intend to intrude upon the fair and accepted contractual relationship between tenant and owner. The City Council does not intend to intervene as an advocate of either party, or to act as an arbiter, or to receive complaints from tenant or owner which are not specifically and clearly relevant to this Ordinance's provisions. In the absence of such relevancy with regard to rental disputes, the contracting parties must exercise the legal sanctions available to them without the City's intervention. In enacting this Ordinance, the City Council does not intend to interfere or permit interference with legal rights to personal privacy.

Section 95.03: **APPLICABILITY.** Every building and its premises used in whole or in part as a home or residence, or as an accessory structure of them, for a single family or person, and every building used in whole or in part as a home or residence of two or more persons or families living in separate units shall conform to this ordinance, irrespective of when the building may have been constructed, altered, or repaired. This Ordinance establishes minimum standards for erected dwelling units, accessory structures and related premises.

Section 95.04: **OWNER AND OCCUPANT RESPONSIBILITIES.**

Subd. 1: **Sanitation.** No owners or other person shall occupy or let to another person any dwelling, dwelling unit or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy, and complies with all applicable legal requirements of City and state law.

Subd. 2: **Shared or Public Areas.** Every owner of a dwelling containing 2 or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises.

Subd. 3: **Occupied Areas.** Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises which he or she occupies and controls.

Subd. 4: **Pest Extermination.** Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for extermination whenever his or her dwelling unit is the only one infested. Extermination shall be the owner's responsibility. If infestation is caused by the owner's failure to maintain a dwelling in a reasonable rodent proof or reasonable vermin proof condition. If infestation exists in 2 or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing 2 or more dwelling units, extermination shall be the owner's responsibility.

Subd. 5: **Rodent Harborages and Food.** No owner or occupant of a dwelling or dwelling unit shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner which may provide a rodent harborage in or about any dwelling or dwelling unit. Stored

materials shall be stacked neatly in piles. No owner or occupant of a dwelling or dwelling unit shall store, place or allow the accumulation any materials which may serve as food for rodents in a site accessible to rodents.

Subd. 6: Snow and Ice Removal. The owner of a multiple family dwelling or dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises pursuant to the City Code.

Subd. 7: Minimum Exterior Lighting. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.

Subd. 8: Driving and Parking Areas. The owners of a multiple dwelling or dwellings shall be responsible for providing and maintaining in good condition parking areas and driveways for tenants consistent with the City Code.

Subd. 9: Yards. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining premises' yards consistent with the City zoning ordinance and City Code.

Section 95.05: **MAINTENANCE STANDARDS.**

Every rental unit shall be maintained in a safe, sanitary, and habitable condition and in compliance with any standards or requirements imposed by state or local statutes, codes, ordinances, or other laws applicable to rental housing. In addition, the Minimum Housing Quality Standards of the Department of Housing and Urban Development (hereinafter) "HUD Housing Standards" shall be used as a guideline to govern use, occupancy, construction and maintenance of rental units. An alleged violation of the HUD Housing Standards shall create a rebuttable presumption of a violation of this section. This presumption may be rebutted by evidence and findings that the alleged violation does not relate to housing safety, sanitation, or habitability. In addition, for basement living units, or sleeping rooms below the ground floor, an egress window meeting the requirements of the Uniform Building Code, or another acceptable means of exit must be provided. A copy of the HUD Housing Standards checklist can be obtained on the City Website under Starbuck Rental Ordinance or at the City Offices.

Subd. 1: Windows, Doors and Screens. Every operable window or other device required by the Ordinance shall be supplied with standard mesh screens during the insect season.

Subd 2: Accessory Structures. Accessory structures supplied by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and appearance. The exterior of such structures shall be made weather resistance through the use of decay resistant materials such as paint or other preservatives.

Subd. 3: Yard Cover. Every yard of a premises on which a dwelling stands shall be provided with lawn or combined ground cover or vegetation, garden, hedges, shrubbery, and related

decorative materials. Such yard shall be maintained consistent with prevailing community standards.

Subd. 4: Discontinuance of Service or Facilities. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance, to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him or her, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

Section 95.06: **FIRE CODE**. All buildings shall be subject to the State Fire Code, as amended.

Section 95.07: **RENTAL UNIT LICENSING**.

Subd. 1: Registration. No person shall operate rental property in the City of Starbuck without first filing an application for rental registration license with the City Clerk and securing a valid rental license from the City. Any person filing a registration statement consents to be bound to this ordinance and other City Ordinances that may relate to rental property. The registration statement shall be made and filed on forms furnished by the City and shall set forth the following information:

- a) Owner's name and residence, and if a corporation, the names of its officers and registered office. All owners must be listed.
- b) Rental property's name and address and the number of units to which the registration applies.
- c) Name and address of the caretaker or manager responsible for the rental unit's maintenance and care.
- d) The name and address of the owner's agent for receiving violation notices of this or other City Ordinances.
- e) Any other information the City may require.

Subd. 2: Registration Statement Execution. The registration shall be made by the owners if the owners are a natural person, by an officer if the owners are a corporation, by one of the partners if the owner is a partnership, and by the manager or managing officer if the owners are an unincorporated association.

Subd. 3: Tri-Annual Registration. Commencing in the year 2008 the 3 year registration of all rental dwellings previously registered shall be renewed not later than the first business day in May every three years. The City may initially require some registrations to be annual or biannual and prorate the fees so that approximately 1/3 of the registrations and inspections occur in any given year.

Subd. 4: Transfers. Every new rental property owner, (whether as fee owner, contract purchaser, lessee of the entire dwelling, or otherwise) shall register before taking possession.

Subd. 5: Registration License Fee. Beginning in the year 2008, a registration license fee shall be due not later than the first business day of May every three years in the amounts established in the given years' fee schedule.

Subd. 6: Delinquency Fee. The City shall charge a delinquency fee of 5% of the license fee for each day of operation without a valid license to rental dwelling operators. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund on any license fee upon revocation or suspension. However, the licensee shall be entitled to a license fee refund prorated monthly, upon proof of transfer of legal control of ownership. In the case of new unlicensed dwellings, license fees shall be due upon the City's issuance of a certificate of occupancy. In the cases of licensing periods of less than one year, the City shall prorate license fees by month.

Subd. 7: Inspection Condition. The City shall not issue or renew an operating license unless the rental unit's owner agrees in the license application to permit inspections pursuant to this Ordinance.

Subd. 8: License Posting. Every licensee of a multiple dwelling shall cause to be conspicuously posted in the main entryway.

Subd.9: License Not Transferable. No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the City within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice shall include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings.

Subd. 10: Tenant Register. The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home. In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the Police Chief of any change of the identity, address or telephone numbers of such persons. The register must be available for the inspection by the Police Chief at all times. Every complex with more than one dwelling unit must post a tenant register near the license in the entryway and include a tenant's the first initial of the occupant's name, last name, and unit number.

Subd. 11.1: Mandatory Training. The owner or property manager of a rental dwelling must complete Crime Free Multi Housing training offered by the Police Department or a similar program approved by the Police Department. This training must be completed before the license for a dwelling is renewed and thereafter every three years if the dwelling continues to be a rental dwelling. The requirements for mandatory training do not apply to a person who only owns or manages one rental dwelling unit in the City. If two or more violations of Code 95.07 Subd. 14 occur in a 365 day period at a single family rental dwelling owned by a person who is not required to have mandatory training, that person must complete the mandatory training before the dwelling license may be renewed.

Subd. 11.2: Mandatory Crime Free Multi Housing. CFMH training is required for all rental property owners or managers, except those who own or manage only one single rental unit. CFMH training is an 8-hour class, covering information important for owners and managers of rental property to know. The cost of a CFMH class is typically around \$35. Police departments around Minnesota host CFMH training on a regular basis. For owner who lives outside of Minnesota, CFMH training is a nationwide program and training is offered by police departments around the Country. If you are not sure whether a class will be accepted by the Starbuck Police Department, please call 320-239-2525.

Subd. 11.3: Property owners and managers will have ample time to complete CFMH training. Training must be complete prior to rental license renewal.

Subd. 11.4: The information can also be found on the Minnesota Crime Prevention Association website. Go to [www.mncpa.net](http://www.mncpa.net), click on the calendar on starred dates and look for CFMH Day One. You can also call 320-239-2525 for information on upcoming training dates and times.

Subd. 11.5: Upon completion of the CFMH class, you will receive a certificate. You will be required to submit a copy of your CFMH certificate upon license renewal. If you lose your certificate, you will have to contact the agency where you received your certificate and request a duplicate or you will need to re-take the CFMH class. The City of Starbuck will not track down lost certificates.

Subd. 11.6: CFMH refreshers will be required every 3 years. The time clock begins once a copy of the CFMH certificate is received. The Starbuck Police Department will offer refresher classes, but not all departments offer refreshers. You will receive a refresher certificate upon completion of the refresher class. You will be required to submit a copy of this refresher certificate when needed. If you are not sure whether a different training will be accepted by the Police Department as a refresher, please call 320-239-2525.

Subd. 12: License Renewal. Notwithstanding the application signature requirements of Subd. 3, renewals of the license as required tri-annually by this code may be made by filling out the required renewal form furnished by the City Clerk to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to the City Clerk.

Subd. 13: Notices. Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this section, notice shall be deemed sufficient if sent certified mail to the owner or owner's designated agent at the address specified in the last license application filed with the City. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other know caretaker or manager, and a notice shall also be posted on the building.

Subd. 14: Rental Dwelling Licenses: Conduct on Licensed Premises. It shall be the responsibility of the rental license holder to take appropriate action, with the assistance of the City, to prevent

conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly, in violation of any of the following statutes or ordinances:

- A. Minnesota Statutes, Sections 609.75 through 609.76, which prohibits gambling;
- B. Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
- C. Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.072, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- D. Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- E. Section 90.18 of this Code, which prohibits noise and noisy assemblies;
- F. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale, or use of a weapon; or
- G. Minnesota Statutes, Section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
- H. Failure to comply with dangerous dog requirements in violation of Minnesota Statutes Chapter 347.
- I. Indecent exposure in violation of Minnesota Statutes Section 617.23.
- J. Assault, as defined by Minnesota Statutes Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.
- K. Public nuisance, as defined by Minnesota Statutes sections 609.75 - .745.
- L. The unlawful sale, furnishing, use, or possession of intoxicating liquor or non intoxicating malt liquor in violation of Minnesota law.
- M. Criminal damage to property in violation of Minnesota Statutes 609.595.
- N. The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes 152.07 Subd. 4.
- O. The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes 152.092.
- P. Contributing to the delinquency or status as a juvenile.

Subd. 15.1: A determination that the licensed premises have been used in a disorderly manner as described in Subdivision 14 shall be made upon evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license actions under this section.

Subd. 15.2: Upon determination by the Compliance Official utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subdivision 14, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action with the assistance of the City to prevent further violations.

Subd. 15.3: If another instance of disorderly use of the licensed premises at the same dwelling or unit occurs within 365 days of an incident for which a notice in Subdivision 15.2 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within five (5) business days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 365 days.

Subd. 15.4: If another instance of disorderly use of the licensed premises at the same dwelling or unit occurs within 365 days after the second of any two previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this section shall be initiated by the City in the manner described in Section 95.08, and shall proceed according to the procedures established in Subd. 1 and Subd. 2.

Subd. 15.5: No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or the tenant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within 10 days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this section may be postponed or discontinued by the Compliance Official at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

## Section 95.08: **ENFORCEMENT**

### Subd. 1: **Revocation, Suspension, or Probation.**

Subdivision 1.1: Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend, revoke, or place on probation the same should the

license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this Ordinance or any other Ordinance of the City or any special permit issued by the City or the laws of the State of Minnesota.

Subdivision 1.2: The license may be suspended, revoked, or placed on a probation status by the Council after a written notice is sent to the license holder specifying the Ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the Council, which shall not be less than 10 business days from the date of the notice. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Sub 2: Summary Action.

Subd. 2.1: When the condition of the rental dwelling of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency. The Compliance Official shall have the authority to summarily condemn or close off such area of the rental dwelling.

Subd. 2.2: Any person aggrieved by a decision of the Compliance Official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The City Clerk shall schedule a date for hearing before the Council and notify the aggrieved person of the date.

Subd. 2.3: The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

Subd. 2.4: The decision of the Compliance Official shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision of the Compliance Official be affected.

Subd. 3: Applicable Laws. Licenses shall be subject to all of the ordinances of the City and the State of Minnesota relating to rental dwellings' and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

Subd. 4: Vacation. When the City Council revokes or suspends a rental license, the property shall be vacated as of the effective date as established by the City Council and remain vacated until restoration of the license.

Subd. 5: Restoration. In the case of a suspension, restoration shall occur automatically at the end of the suspension period. In the case of revocation, restoration of the license shall occur only after the premises' owner has applied for a new license and paid a new application fee. The City Council may then issue a new license upon completion of the revocation period.

Subd.6: Issuance of Compliance Order. Whenever the Compliance Official determines that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these, fails to meet the

provisions set forth in this Ordinance, he or she may issue a Compliance Order setting forth the violations of the Ordinance and ordering the owner, occupant, operator or agent to correct the violations(s). This Compliance Order shall:

- a) Be in writing.
- b) Describe the location and nature of this Ordinance's violation(s).
- c) Establish a reasonable time for correction of the violation(s) and provide notification of appeal recourse.
- d) Be served upon the owner or his or her agent or the occupant, as the case may require. The notice shall be deemed to be properly served upon the owner or agent, or upon any occupant, if a copy of the order is:

Served upon him or her personally, or

Sent by certified mail to his or her last known address, or

Upon failure to affect notice as set out in this section, posted at a conspicuous place in or about the dwelling which is affected by the notice.

- e) Describe the penalties which will be imposed for failure to comply.

Subd. 7: Right to Appeal Hearing. The person subject to the Compliance Order may appeal the Compliance Order to the City Council sitting as a Board of Appeals. Appeals must be in writing, specify the grounds for the appeal, be accompanied by a filing fee established in the current years' fee schedule, paid in cash or cashier's check, and be filed with the City Clerk/Administrator within 5 business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life, health or property. If request is not made, the right to an appeal hearing is deemed waived and the City Council may presume the truth and accuracy of the violations alleged and proceed to disposition at the earliest possible date following the expiration of the time for filing an appeal.

Subd. 8: Hearing. The appeal hearing shall be evidentiary in nature and conducted before the City Council sitting as a Board of Appeals, which shall determine whether an ordinance or statutory violation did occur and whether the violation warrants the rental license's revocation or suspension. The City Council may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld. The City Council's determination shall be final and subject only to any rights of review or appeal to the state courts as provided by statute.

Subd. 9: Reinsertion. If no appeal is made, the Compliance Officer(s) shall reinspect the property to determine if the owner has complied with the Compliance Order. If compliance has not been completed upon reinspection, the owner shall be assessed a reinspection fee established in the current years' fee schedule for that reinspection and each subsequent reinspection for compliance. Failure to pay the reinspection fee shall constitute a failure to comply with the Compliance Order.

Subd. 10: Restrictions on Ownership Transfer. It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending Compliance Order has been issued to sell, transfer, mortgage, lease or otherwise dispose of the premises to another person until the provisions of the tag or Compliance Order have been complied with, unless the owners shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit who has received notice of the existence of a violation tag or Compliance Order shall be bound by it without further service of notice and shall be liable to all penalties and procedure provided by this Ordinance.

Subd. 11: Disposition: If the City Council determines that an owner is in violation of this Ordinance, or has not complied with a Compliance Order within the specified time, after right of appeal has expired, the rental license may be revoked or suspended by the City Council. The Council may stay execution of the suspension or revocation on reasonable conditions established by the Council, including but not limited to, the payment of an administrative penalty not to exceed \$1,000.

Subd. 12: Criminal and Administrative Penalties. Any person violating any of this Ordinance's provisions by doing any act or omitting to do any act which constitutes a breach of any section of this Ordinance shall upon conviction by a lawful authority be guilty of a misdemeanor. Any person who fails to comply with a Compliance Order after right of appeal has expired, and any person who fails to comply with a modified Compliance Order within the time set in it shall be guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense. As an alternative to the misdemeanor offense, any person in violation of this Ordinance may be charged with an administrative penalty, set forth in the given years' fee schedule.

Subd. 13: Public Authority's Execution of Compliance Orders. Upon failure to comply with a Compliance order within the time set in it and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set in it, the criminal penalty establish hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy shall be a lien against the subject real estate and may be provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.

Subd. 14: No Official Liability. No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make the official or employee liable for the penalty provided in this section because of failure to perform a duty, unless the City Council's intention to impose the penalty on the official or employee is specifically and clearly expressed in the section creating the duty.

Subd. 15: Alternative Sanctions. Notwithstanding the availability of the compliance procedures and the penalties in this Ordinance, whenever the Compliance Official(s) determines that any dwelling, dwelling unit, or rooming unit or the premises surrounding any of these fails to meet

the requirements of this Ordinance, the Compliance Official may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.

Subd. 16: Variance. The City Council may grant a variance of any specific requirements in this Ordinance if the condition existed before this Ordinance's passage and complying with the requirement will pose an undue hardship upon the owner or be unreasonable under the circumstances, unless the condition threatens the safety and health of any citizen.

Subd. 17: Revocation and Suspension Period. Where the City Council determines that an Ordinance or statutory violation has occurred warranting suspension or revocation, the City Council shall suspend or revoke the rental license for a period of not less than 2 months or more than 12 months.

Subd. 18: Early Restoration Petition. Upon completion of one-half of the revocation or suspension period imposed by the City Council, the licensed owner may petition the City Council for early restoration of the rental license. Upon receiving the petition, the City Council shall hear the licensed owner's request at its next regular scheduled meeting (but at least 5 business days after receiving the request). At that time, the City Council may order restoration of the rental license if the licensed owner establishes by clear and convincing evidence that one of the following three circumstances exist:

- a) The property has been sold since the occurrence of the original violation to a party unrelated to the original owner. The sale must be for a fair consideration, negotiated at arm's length, and by Deed duly filed for record at the County Recorder's Office. A sham or "paper" transfer of title to the property to a related party or another party acting in cooperation with the owner to circumvent the license revocation shall not constitute a transfer under this Ordinance.
- b) The licensed owners demonstrates to the City Council that the owner has properly responded to the revocation or suspension, has taken measures to successfully correct the violation which originally resulted in suspension or revocation, and has taken additional steps to assure that similar violations do not occur in the future. Factors to be considered by the Council, may include: improvements and repairs to the premises, modification of the relevant lease provisions, selection of future tenants, response to citizen's complaints, provision for future supervision of the premises by the license owner, the licensed owner's compliance with the revocation/suspension, and any other criteria the Council considers relevant to each individual case.
- c) Where the licensed owner is able to establish by clear and convincing evidence grounds for restoration, the Council may stay the execution of the remainder of the suspension or revocation period for a period of up to 1 year and place reasonable terms and conditions upon the licensed owner to further insure compliance with the City's Ordinances and state law.

Section 95.09: **ENFORCEMENT AND INSPECTION AUTHORITY.** The City Clerk, the Starbuck Police Department, the City Building Inspector and their respective agents shall be the Compliance Officer(s) who shall administer and enforce this Ordinance and who are authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this Ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours and the Compliance Officer(s) shall present evidence of official capacity to the occupant in charge of a respective dwelling unit. The City shall charge inspection and reinspection fees as establish in the given years' fee schedule for all inspections and reinspections occurring when reason exists to believe that a violation of this Ordinance has been or is being committed. It shall also be deemed a violation of this Ordinance for any person to make any false or unfounded complaints to the Compliance Officer(s). Among other remedies available for violation of this Ordinance, in the event the Compliance Officer(s) conducts an inspection based upon a false or unfounded compliant, the cost of the inspection may be charged to the party making the false or unfounded complaint. Pursuant to this section, the Compliance Officer shall make inspections to determine the condition of rental dwellings located within the City for the purpose of enforcing the rental licensing standards. The Compliance Officer or designated representative may enter, examine and survey at all reasonable times all rental dwellings and premises after obtaining consent from an occupant of the premises.

Section 95.10: **INSPECTION ACCESS.** Whenever any owner, occupant, or other person in charge of a dwelling or dwelling unit refuses to permit free access and entry to the structure or premises under his or her control for inspection pursuant to this Ordinance, the Compliance Official(s) may seek a court order authorizing the inspection. In the event that an occupant of the premises does not consent to entry by the Compliance Officer or designated representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.

Section 95.11: **UNFIT FOR HUMAN HABITATION.**

Subd. 1: **Building Vacation.** Any dwelling, dwelling unit, or rooming unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, or rooming unit has been declared unfit for human habitation, the Compliance Official(s) shall order the premises vacated within a reasonable time and shall post a placard on the premises indicating that it is unfit for human habitation, and any operating license previously issued for the dwelling shall be revoked.

Subd. 2: **Reoccupation.** It shall be unlawful for any dwelling, dwelling unit, or rooming unit to be used for human habitation until the defective conditions have been corrected and the Compliance Officer(s) has issued written approval. It shall be unlawful for any person to deface or remove the declaration placard from any dwelling, dwelling unit or rooming unit.

Subd. 3: Secure Units and Vacated Dwellings. The owner of any dwelling, dwelling unit, or rooming unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make the premises safe and secure so that it is not hazardous to the public's health, safety and welfare and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed to be a hazard to the public's health, safety and welfare and a public nuisance within this Ordinance's meaning.

Subd. 4: Hazardous Building Declaration. If a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with state law.

Section 95.12: **SEVERABILITY**. Every section, provision, or part of this Ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the Ordinance shall be held invalid or unconstitutional, it shall not invalidate any other section, provision or part of this Ordinance.

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Passed by the Starbuck Council this 29th day of December, 2015.

Published on the 5th day of January, 2016.

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Gary Swenson, Mayor

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Attest: Andrew Langholz, Clerk