CITY OF CLEARWATER
WRIGHT AND STEARNS COUNTY, MINNESOTA

ORDINANCE NO. 2013-08

AN ORDINANCE REPEALING THE HOUSING MAINTENANCE CODE
ADOPTED ON AUGUST 3, 2009, REFERRED TO AS
THE RENTAL HOUSING MAINTENANCE CODE

THE CITY COUNCIL OF THE CITY OF CLEARWATER ORDAINS:

That the City's Municipal Code, identified as Housing Maintenance Code, and further referred to as Rental Housing Maintenance Code, as hereto attached as Exhibit A, adopted on the 3 day of August 2009 is hereby repealed in its entirety.

THE CITY COUNCIL FURTHER ORDAINS:
This ordinance becomes effective from and after its passage and publication in summary form as hereto attached in Exhibit B.

Passed by the City Council of Clearwater, Minnesota, this 21st day of October, 2013.

Pete Edmonson, Mayor

Attest:

Susan Vergin, Administrator

Seal

EXHIBIT A

ORDINANCE NO.

HOUSING MAINTENANCE CODE.

The City Council of Clearwater Minnesota, ordains:

SECTION 1. That the City of Clearwater adopts by ordinance the following as the **Rental Housing Maintenance** Code of the City of Clearwater, repealing Ordinance 7.03.

A. Introduction.

1. **Intent.** It is the policy of the City to enhance the supply of safe, sanitary and adequate housing for its citizens and to prevent the deterioration of existing housing in the City.
2. **Purpose.** The purpose of this rental housing Ordinance is to establish minimum standards and procedures for their enforcement consistent with the right to personal privacy, for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings.
3. **Objectives.** The objectives of the Rental Ordinance include, but are not limited to, the following:
   (a) Protection and preservation of the stability and residential character of residential areas in the City.
   (b) The prevention and correction of housing conditions that adversely affect the life, safety, health and general well being of persons occupying dwellings in the City.
   (c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure the health and safety of occupants of dwellings.
   (d) The establishment of minimum standards for the maintenance of residential dwellings.
   (e) The prevention of the emergence of blighted and deteriorating housing in the City.
   (f) The prevention of overcrowding of rental dwellings.
   (g) The Preservation of the value of land and buildings in the City.

B. Definitions.

"Appropriate authority" The Building Official

"Building Official" means the City officer or officers in the Building Department, and other City departments or agencies designated by the City Council to administer this Code.

"Condominium" A single dwelling unit located within a multi-unit structure where each unit is separately held by deed.

"Code" or "this Code" means the Rental Housing Maintenance Ordinance; "City Code" means the Clearwater City Code of Ordinances: "Building Code" means those provisions found in the State Building Code as adopted by the City of Clearwater, "Zoning Code" means those provisions found in the Clearwater Zoning Code & Ordinances.

"Common Areas" means halls, corridors, passageways, utility rooms, recreational rooms and extensive landscaped areas, not under the exclusive control of one person or family, in or adjacent to a multiple dwelling.

"Complaint Driven Inspection" means an inspection initiated by a written complaint.

"Dwelling" means a building or a portion of a building designed for "residential occupancy" the term includes single family, two family and multiple family dwellings but does not include hotels, motels and boarding houses. Manufactured homes (mobile homes) used as rental dwellings are considered a single family unit.

"Designated Representative" means a person or company who has the power to act in the owner's behalf in the owner's absence. A designated representative will be available to accept legal notice, order emergency repairs and grant access for complaint driven inspections or emergency inspections.

"Duplex" A building containing two attached dwelling units under the same ownership.

"Dwelling Unit" meaning:

(a) a single family dwelling or
(b) a discrete portion of a dwelling designed for occupancy by one family.

"Exit" A continuous and unobstructed means of access to a public way, including intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, and yards.

"Family" is defined as an individual, or two or more persons related by blood, marriage, or adoption, living together with not more than two additional persons no so related, as a housekeeping unit in

a single dwelling unit. Each additional group of four or less persons living in such housekeeping unit shall be considered a separate, additional family.

"Fuel burning appliance": Any device which utilizes combustible fuel to produce heat for cooking, water heating or room heating.

"Grade" The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, where the property line is more than five feet from the building, between the building and a line five feet from the building.

"Habitable Space" means the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls storage or utility spaces, and similar areas are not considered habitable

"Infestation" The presence of insects, rats, vermin, or other pests within or contiguous to a structure or premises.

"Junk" worn or discarded articles of any kind having no apparent value.

"Manufactured Home" means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

"Multiple dwelling" Any dwelling containing more than two dwelling units or rooming units. For purposes of this article the area of common ownership in a condominium, and the area in any single apartment unit rented, let or leased to and occupied by other than its record titleholder for housing purposes in a condominium shall be deemed a multiple dwelling or multiple dwelling unit, as appropriate.

"Openable Area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Owner", "Owner-Operator", or "Operator" means any person, firm or corporation who alone or jointly or severally with others is in actual possession of or have charge, care or control of a dwelling or dwelling unit in the City as owner, employee or agent of the owner or as trustee or guardian of the estate or the person of the title holder, and such person is bound by the provisions of the Code to the same extent as the owner.

"Person" means individual, corporation, or partnership

"Plumbing" The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities; venting systems; public or private drainage or storm drainage facilities; the public or private water supply systems within or adjacent to any building, structure or conveyance; the installation, maintenance, extension, or alteration of the storm water, liquids, or sewerage and water-supply systems to their connection with any point of public disposal or other acceptable terminal.

"Record titleholder" Any person holding title of record by deed, contract of sale, or judicial determination. The term "record titleholder" shall also include the official representatives of a bona fide religious organization which is titleholder.

"Repair" means to restore to a sound acceptable state of operation, serviceability or appearance, in a workmanlike manner.

"Replace" means to remove an existing item or portion of a system and to construct or install a new item of similar or new quality as an existing item when new repair of the item is impractical.

"Residential Rental Structures and Premises" Dwellings which are occupied by one or more persons, none of whom are record title holder. Any structure rented or leased to one or more persons for residential purposes, including manufactured housing, mobile homes, and apartments for periods of one (1) month or more. Premises / Lots rented or leased for placement of temporary or long term dwellings. The term "Residential Rental Structures and Premises" does not include motel or hotel rooms, or that part of premises occupied by a boarder where the landlord and boarder share common living areas or care facilities licensed by the state.

"Rooming Unit" means a building or structure providing a room or rooms intended for living and sleeping to persons in the status of resident.

"Sleeping Room" means a room or enclosed floor space in a rooming unit or dwelling unit, as defined by this ordinance, used or intended to be used primarily for sleeping purposes.

"Shall" means as follows:

(1) With respect to the functions and powers of the Building Official and that officer's subordinates, employees and agents of the city and any board authorized and empowered hereunder, a direction and authorization to act in the exercise of sound discretion, good faith and reasonable judgment.

(2) With respect to the obligations upon owners and occupants of premises and their agents, a mandatory requirement to act in compliance with this article at the risk of civil and criminal liability upon failure to act.

"Unlawful Structure" means one found in whole or in part to be occupied contrary to law.

Meaning of certain words: whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "story", or "structure" are stated in the code, they shall be construed as though they were followed by the words "or any part thereof".

C. **Application.**

1. **General.** This Ordinance applies to buildings, their premises, accessory structures thereto, and dwelling units therein, used or designed to be used for any residential occupancy.
2. **Existing Buildings.** A building lawfully existing under the Building Code must conform to this Code. A building need not be altered to exceed the requirements of the Building Code in effect at the time of its construction, except in the following cases:
   (a) if a portion of the building is altered, that portion must be built pursuant to the Codes in effect at the time of alteration;
   (b) if the building is moved or relocated; or
   (c) if the building is determined to be unsafe or hazardous by the Building Official pursuant to the Building Code or State Law; or that portion deemed unsafe must be built to current codes. Occupancy in buildings, lawfully existing under the Building Code may be continued under this ordinance.
3. **Utilities.** Except as otherwise provided by law, an owner, operator or occupant may not cause service equipment or utility service that is required by this Ordinance to be removed, shut off or discontinued for any occupied dwelling let or occupied by that person, except for such temporary interruption as may be necessary while actual repairs alterations are in process or during temporary emergencies.
4. **Transfer of Responsibility.** A contract between owner and operator, operator and occupant, or owner and occupant, with regard to compliance with this Ordinance, does not relieve the owner or operator of a duty imposed by this Ordinance.
6. **Notice of Maximum Occupancy.** An owner or operator must advise the occupant, in writing, by inserting in the lease between the parties or otherwise, of the maximum number of occupants/family members permitted in each occupied unit which is pursuant to the Ordinance.

D. **Administration.**

1. **Enforcement.** The Building Official is responsible for the administration and enforcement of the ordinance.
2. **Compliance.** When the Building Official determines that there exists in a building, its premises, or a portion thereof, conditions that constitute a violation of this Ordinance, the Building Official may begin enforcement procedures.
3. **Registration.** No person shall occupy, allow to be occupied, or let to another for occupancy any rental property in the City of Clearwater without first having obtained a rental dwelling license for such rental property from the City. Applications for license must be made by the owner of a rental dwelling. The application forms are to be filed with the Building Official. The owner may by a notarized affidavit allow a named agent to represent the owner for all rental documentation, correspondence, inspections, and repairs.
4. The payment of fees set forth shall be as set from time to time by City Council resolution and shall be a prerequisite to this required licensing. The application for license shall be made and filed on documents furnished by the City for such purpose and shall set forth the following information:

(a) Name, residence address and phone number of the owner of the dwelling or an agent authorized by the owner to accept service of process and to receive and give receipt notices.
(b) Name, address and phone number of any agent actively managing said rental property.
(c) Street address of the rental property.
(d) Number and kind of units within the rental property (dwelling units or sleeping rooms).
(e) Name, phone number, and address of the person authorized to make or order repairs and/or service to the building, to provide required services necessary to protect health, safety and welfare of the occupants or is able to contact the person so authorized.
(f) Maximum number of people permitted per dwelling unit or sleeping room.
(g) Name and phone number of current tenant.

5. **License Fee.** A license fee shall be assessed on all rental unit properties. The license fee shall be a per property fee and shall be included with each rental license application and shall be submitted on a schedule as set forth from time to time by City Council resolution. Such fee for licensing shall be set by resolution of the council.
6. **Inspection Fee.** An inspection fee shall be assessed on all rental units. The inspection fee shall be a per unit fee and shall be included with the rental license application and shall be submitted on a schedule as set forth from time to time by City Council resolution. Such fee for inspection shall be set by resolution of the council.
7. **Notice of Change.** The registrant must give notice in writing to the City within five business days after any change of the information in the application.
8. **Posting of Registration.** A rental license certificate shall be issued to each approved unit. The owner of a rental dwelling containing three or more rental dwelling units must conspicuously post the license in the main entry way or other conspicuous location in a frame with a suitable cover.
9. **Transfer.** The license holder must give notice in writing to the City within five business days after having legally transferred or otherwise disposed of the effective control of a licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings. For purposes of this subdivision the term "effective control" means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property. A point of sale inspection shall be conducted on all residential units and shall be conducted at the buyer's expense.
10. **Inspection Authority.** The Building Official administers and enforces the provisions of this section. The Building Official shall inspect on a basis as set forth from time to time by City council resolution or by written complaint.
11. **Inspections,** these inspections must be conducted during reasonable daylight hours. The Building Official must present evidence of official authority to the occupant in charge of a licensed rental dwelling.
    (a) ***Notices and orders:*** The code official shall issue all necessary notices or orders to enter the structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.
    (b) ***Right of Entry***: Upon receipt of a written complaint, the code official is authorized to enter the structure or premises at reasonable times to inspect prior to entering into a space not otherwise open to the general public, the code official shall make reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.
    (c) ***Access by owner or operator:*** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.
    (d) ***Identification:*** The code official shall carry proper identification when inspecting structure on premises in the performance of duties under this code.
    (e) ***Coordination of enforcement***: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction.

Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

(f) ***Rule-making authority:*** The Code Official shall have the authority as necessary in the interest of public health, safety and general welfare, to adopt the promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements, specifically provided for in this code of violating accepted engineering practice involving public safety.

(g) ***Organization:*** The City Council shall appoint such number of offices, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized to designate an employee as deputy who shall exercise all the powers of the code official, as defined herein, during the temporary absence or disability of the code official.

(h) ***Restriction of employees:*** An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

(i) ***Relief from personal responsibility:*** The code official, officer or employee charged with the enforcement of this ordinance, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of housing' inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(j) ***Official records:*** An official record shall be kept of all business and activities of the department specified in the provisions of this ordinance, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

10. **Access.** If an owner, occupant, or other person in charge of a rental dwelling licensed under this section fails or refuses to permit free access and entry for inspection purposes, the Building Official may, upon showing of probable cause, obtain orders from a court competent jurisdiction for the inspection.
11. **Failure to register for licensing.** Anyone failing to register a rental unit shall be in violation of this Ordinance.
12. **Implementation Policy.** The City Council may adopt by resolution policies and guidelines for the implementation and administration of the Ordinance. These policies and guidelines must include, but are not limited standards and guidelines relating to:
    (a) procedures for housing inspections;
    (b) proper disposition of information gathered in connection with housing inspections;
    (c) conditional occupancy of housing during periods needed for compliance;
    (d) Methods of encouraging the correction of deficiencies by cooperation between owner and proposed and current occupants.

E. BUILDING STANDARDS

1. **Unsafe Structures.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned or ordered to be repaired pursuant to the provisions of this code.
   (a) *Unsafe structures:* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.
   (b) *Unsafe equipment:* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
   (c) *Structure unfit for human occupancy*: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
   (d) *Closing or vacant structures*: If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available pubic agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which structure is located and shall be a lien upon such real estate, pursuant to the provisions of Minnesota Statutes, Section 463.15 to 463.26.
   (e) Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted on a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment.
   (f) Upon failure of the owner or person responsible to comply with the notice provisions with the time given, the code official shall post on the premise or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
   (g) *Prohibited occupancy:* Any person who shall occupy a placarded premise or shall operate placarded equipment and any owner or any person responsible for the premise who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this ordinance
   (h) The code official or authorized contractor shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.
   (i) *Hazardous Conditions.* If the Building Official determines that there exists in a building a condition that constitutes an immediate hazard to the health and safety of its occupants, the official may:
      i. issue a compliance order requiring immediate compliance if the condition can reasonably be corrected;
      ii. proceed against the building pursuant to applicable state laws relating to hazardous or unsafe structures; and
      iii. recommend that the City Council proceed to correct the condition by abating it as a nuisance under Minnesota Statutes, Section 429.101.
2. **Emergency Measures.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the

occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

3. **Exterior Property Areas.**
   (a) *Sanitation:* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant or controls in a clean and sanitary condition.
   (b) *Grading and drainage*: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon or within any structure located thereon unless retention areas and reservoirs are approved by the code official.
   (c) *Accessory structures:* All accessory structures including detached garages, fence and walls, shall be maintained structurally sound and in good repair. Any occupant shall not cause accessory structures to become structurally unsound or in disrepair.
4. **Exterior Structure.**
   (a) *General:* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
   (b) *Structural members:* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
   (c) *Foundation walls*: All foundation walls shall be kept in such condition so as to prevent the entry of rats or vermin. Breaks and cracks shall be kept in good repair so as not to affect the safety of the structure.
   (d) *Exterior walls:* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
   (e) *Roofs and drainage:* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance.
   (f) *Decorative features:* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
   (g) *Overhang extensions:* All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
   (h) *Chimneys and towers:* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
   (i) *Handrails and guards:* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
   (j) *Window and door frames:* Every window, door and frame shall be kept in sound condition, good repair and weather tight as their design allows.
   (k) *Glazing:* All glazing materials shall be maintained free from holes, cracks, or missing panes.
   (l) *Openable windows:* One window in every habitable space, other than a fixed window, shall be openable and capable of being held in an openable position.
   (m) *Insect screens:* During the period from April 1 to October 15, each openable window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas and food service areas, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch.
   (n) *Doors:* All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest shall tightly secure the door. Double keyed deadbolts will not be allowed.

(o) *Basement hatchways:* Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

5. **Interior Structure.**
   (a) *General:* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
   (b) *Structural members:* The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.
   (c) *Interior surfaces:* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
   (d) *Stairs and railings:* All interior stairs and railings shall be maintained in sound condition and good repair. All stairs consisting of 4 or more risers must have a handrail capable of being gripped mounted immediately adjacent to the stairs, pursuant to the requirements of the Building Code.
   (e) *Handrails and guards*: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
6. **Rubbish.**
   (a) *Accumulation of rubbish or garbage*: All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.
   (b) *Containers:* The owner of every rental dwelling shall provide adequate, leak proof containers with close-fitting covers for the storage of such materials until removed from the premises for disposal.
   (c) *Disposal:* The owner of every rental dwelling with two or more units shall provide for the disposal of such materials. The occupant of a single family dwelling unit shall provide for the disposal of such materials.
7. **Extermination.** All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent infestation. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
8. **Habitable spaces:** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 10 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the building code. Every common hall and stairway, other than in one-and two-family dwellings, shall be adequately lighted at all times. Every exterior stairway shall be adequately illuminated at floors, landings and treads.
9. ***Ventilation.*** Every habitable space shall have at least one openable window, other than kitchens which meet the conditions of the paragraph above. Unless approved through the Certificate of Occupancy. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.
10. **Occupancy Limitations.**
    (a) *Privacy.* Dwelling units shall be arranged to provide privacy and be separate from other adjoining spaces.
    (b) *Water closet accessibility*: Every bedroom shall have access to at least one water closet and one lavatory.
    (c) *Prohibited occupancy:* Kitchens and uninhabitable spaces shall not be occupied for sleeping purposes unless the dwelling unit is an efficiency apartment.
    (d) *Minimum ceiling heights:* Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than 7 feet 6 inches. Hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than 7 feet. ***(Rental properties licensed within six months of the adoption of this ordinance is exempt from this requirement until or at such time that alterations are made to that specific area, at such time of alteration, the area of the structure shall meet the requirements as set forth herein.)***
    Exceptions:

I. Beams or girders spaced not less than 4 feet (1219mm) on center and projecting not more than 6 inches (152mm) below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches (2033mm).

II. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 7 feet (2134mm) in height.

III. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear height of 5 feet (1524mm) or more shall be included.

IV. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932mm) of clear height under beams, girders, ducts and similar obstructions.

(e) *Maximum occupancy*: There must be a bedroom for every two occupants in each dwelling unit.

(f) *Minimum room widths:* A habitable room other than a kitchen, shall not be less than 7 feet (2133mm) in any plan dimension. Kitchens shall have clear passageway of not less than 3 feet (914mm) between counter fronts and appliances or counter fronts and walls. ***(Rental properties licensed within six months of the adoption of this ordinance is exempt from this requirement until or at such time that alterations are made to that specific area, at such time of alteration, the area of the structure shall meet the requirements as set forth herein.)***

(g) *Food preparation:* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(h) *Toilet Rooms and Bathrooms:* All toilet rooms and bathrooms are to be kept in such a condition so that the person in possession is able to keep such room clean and sanitary.

11. Plumbing Standards

(a) *Responsibility:* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

(b) *Dwelling units:* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located, unless it is pre-existing or in separate rooms.

(c) *Privacy:* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. ***(Rental properties licensed within six months of the adoption of this ordinance is exempt from this requirement until or at such time that alterations are made to that specific area, at such time of alteration, the area of the structure shall meet the requirements as set forth herein.)***

(d) *General:* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions. Leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(e) *Fixture clearances:* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(f) *General:* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

(g) *Contamination:* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.

(h) *Supply:* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(i) *Water heating facilities:* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F and not more than 130 degrees F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(j) *General:* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(k) *Maintenance:* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

12. Mechanical and Electrical Standards

(a) *Responsibility:* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements by this section.

(b) *Heating facilities required:* Heating facilities shall be provided in structures as required by this section.

(c) *Residential buildings*: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F. In all habitable rooms, bathrooms toilet rooms based on the outside design temperature required for the locality by the mechanical code.

(d) *Heat supply:* Every owner and operator of any building who rents, leases or lets one or more dwelling unit(s) on terms either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to May 31 to maintain the room temperatures during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

(e) *Room temperature measurement*: The required room temperatures shall be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from the exterior walls.

(f) *Mechanical equipment*: All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Decorative fireplaces not intended for use shall be allowed to exist provided that the owner notifies the occupant in writing that the fireplace unit is not usable. Such document shall be signed by both the owner and occupant.

(g) *Cooking and heating equipment*: All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions. All equipment shall be kept in good repair so as not to affect the health or safety of the occupants of the structure.

(h) *Flue:* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Flues shall be maintained and kept in good condition so as not to affect the health or safety of the occupants of the structure.

(i) *Clearance:* All required clearances to combustible materials shall be maintained.

(j) *Safety Controls:* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(k) *Energy conservation devices:* Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(l) *Electrical facilities required:* Every occupied building shall be provided with a properly maintained electrical system that was in compliance with requirements of the State Electrical Code at the time of installation, any updating of electrical systems shall comply with the applicable standards in force at the time the changes occurred. Any and all substandard work shall be repaired to present day National Electrical Code standards. All other current protection for conductors shall equal the conductor's amperages.

(m) *Service:* The size and usage of appliances and equipment shall serve as the basis for determining the need to upgrade service entrance equipment.

(n) *Electrical system hazards*: Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(o) *Electrical equipment installation:* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(p) *Receptacles:* Every habitable space in a dwelling shall contain at least one receptacle in a dwelling. Every laundry area shall contain at least one grounded type receptacle. Every bathroom installed with a receptacle shall conform to state electrical requirements for grounded type receptacle.

(q) *Lighting fixtures:* Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

13. **Elevators:** Elevators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied unless the building is equipped with only one elevator.

14. **Fire Safety Standards.**

(a) *Responsibility:* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. The owner shall not allowed to be occupied any premises that does not comply with the requirements of this chapter.

(b) *General:* A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

(c) *Arrangement:* Exits from dwelling units, rooming units, guest rooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(d) *Stairways, handrails and guards:* Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than 30 inches in height above the floor or grade below shall have guards. Handrails shall not be less than 34 inches nor more than 38 inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be 36 inches high above the floor of the landing or balcony.

(e) *Emergency escape:*

I. Every sleeping room shall have an approved emergency egress window.

II. Every sleeping room shall have an approved emergency egress window following the requirements of the building code in effect at the time the structure was built. Where a dwelling structure was built prior to a state code, the dwelling shall have installed an emergency egress system complying with the current state building code.

III. Every sleeping room located in a basement shall have access to not less than two approved independent exits. This additional exit may be a doorway or a window leading directly to the exterior.

(f) *Accumulations:* Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

(g) *Hazardous material:* Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

(h) *General:* The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

(i) *Maintenance:* All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

(j) *General:* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

(k) *Smoke detectors:* All buildings shall be properly equipped with smoke detectors

I. located in each sleeping room, in the immediate vicinity outside each sleeping room, and a minimum of one on each level.

II. Smoke detectors shall be battery operated in existing rental dwellings.

III. When interior alterations and/or remodeling takes place, the smoke detectors shall be hardwired with battery back-up.
IV. Newly constructed dwellings shall follow the requirements of the building code.
V. It is the responsibility of the owner and occupant to be in agreement regarding the maintenance and testing of battery operated smoke detectors. Removing the batteries and not replacing them, or rendering an installed smoke detector inoperable by any means is considered tampering with a fire protection devise and carries those penalties described in the Fire Code.

(l) *Carbon Monoxide Alarms:* All buildings shall be properly equipped with carbon monoxide alarms
I. located within 10 feet of each sleeping room.
II. Carbon Monoxide alarms shall be either hardwired, directly plugged into an electrical outlet without a switch, or battery powered.
III. Newly constructed dwellings shall follow the requirements of the building code.
IV. It is the responsibility of the owner and occupant to be in agreement regarding the maintenance and testing of battery operated carbon monoxide alarms. Removing the batteries and not replacing them, or rendering an installed carbon monoxide alarm inoperable by any means is considered tampering with a fire protection devise and carries those penalties described in the Fire Code.

(m) *Fire Extinguishers*: All dwelling units shall have at least one on site fire extinguisher with a minimum rating of ABC 5 or 10lbs.

(n) *Minimum requirements*: These requirements are considered to be minimum and not total. All properties subject to this Ordinance shall comply with the State Codes as referenced by adoption of the MN State Building Code adopted by the City of Clearwater, shall in the case of discrepancy supersede this Ordinance.

F. NOTICE AND PENALITES.

1. **Notice.** Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, including failure to register dwelling as a rental unit, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed herein.
2. **Complaints:** Complaints shall;
   a) Tenant Complaints;
      i. Shall be submitted in written form to Owner, Landlord or Caretaker of the property and
      ii. Shall follow all provisions in this section.
      iii. If tenant does not receive appropriate response, tenant is to follow up with a City complaint form along with a copy of the original document sent to Owner, Landlord or Caretaker of the property.
   b) Non-Tenant / Others;
      i. Documented on a city complaint form
      ii. Submitted to the city
      iii. Complainants name shall be documented on the form
      iv. Complainants name shall be legible
      v. Items of complaint shall be clearly stated
3. **Form:** Such notice shall:
   a) Be in writing;
   b) Include a description of the real estate sufficient for identification;
   c) Include a statement of the reason or reasons why the notice is being issued; and
   d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
3. **Method of Service:** Such a notice shall be deemed to be properly served if a copy thereof is
   (a) delivered to the owner personally; or
   (b) sent by mail addressed to the owner at the last known address with return receipt requested; or
   (c) Pursuant to Minnesota Statutes Section 145A.04. If the letter is returned showing that the letter was not delivered or was unable to be served by law enforcement, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
4. **Transfer of Ownership:** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee or lessee a true copy of

any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order on notice of violation.

5. **Assessment.** Upon a failure to comply with a Compliance Order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council after due notice to the owner may by resolution cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy is 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, for any of the reasons set forth in Section 42.101, Subdivision 1, AND SPECIFICALLY FOR THE REMOVAL OR ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE PROPERTY. The assessment will be payable in a single installment. It is the intent of this Section to authorize the City to utilize all of the provisions of Section 429.101 to promote the public's health, safety and general welfare.
6. **Fines.** The City may fine the owner or occupant. All fines and fees as set forth in this code shall be established by Council resolution.
7. **Criminal Prosecution.** It shall be a petty misdemeanor to fail to comply with a lawfully issued compliance order under this Code or to erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the City contrary to the provisions of this Code.
8. **Appeal.** When it is alleged by a person to whom a Compliance Order is directed that the Compliance Order is based upon erroneous interpretation of this Section or upon a misstatement or a mistake of fact, that person may appeal the Compliance Order to the City Council. The appeal shall be submitted a minimum of two weeks prior to hearing by the City Council. The City Council will hear the appeal at the next regularly scheduled council meeting after the two week notice of receipt. The appeal (i)
   (a) must be in writing,
   (b) must specify the grounds of the appeal, and
   (c) must be filed with the City and Building Official within five (5) business days after the service of the Compliance Order. The filing of an appeal stays proceedings in furtherance of the action appealed from unless such a stay in the judgment of the Building Official would cause imminent peril to life, health or property. The Council's disposition of the appeal is final."
9. **Application of Other Codes & Ordinances:**
   (a) All repairs, additions, or alterations to a structure and/or a change in occupancy shall be done in accordance with the procedures and provisions of this ordinance, the adopted MN State Code and all references thereof. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Clearwater Codes & Ordinances.
   (b) When differences occur between provisions of this code and the referenced standards, the provisions that are most restrictive shall comply.

SECTION 2. EFFECTIVE DATE

This ordinance shall become effective after passage and publication but no current licensee will be fined, prosecuted or assessed by the power of this Code until January, 2010 as to have ample time to comply with the provisions herein.

Passed by the City Council this 3rd day of August, 2009

Lee E. Monk, Mayor

Attest:

Jennifer Wothe, City Administrator

EXHIBIT B

ORDINANCE NO. 2013-08

AN ORDINANCE REPEALING THE HOUSING MAINTENANCE CODE
ADOPTED ON AUGUST 3, 2009, REFERRED TO AS
THE RENTAL HOUSING MAINTENANCE CODE

THE CITY COUNCIL OF THE CITY OF CLEARWATER ORDAINS:

That the City's Municipal Code, identified as Housing Maintenance Code, and further referred to as Rental Housing Maintenance Code, adopted on the 3 day of August 2009 is hereby repealed in its entirety. A full copy of the repealed ordinance is available for inspection at the City Office, at 605 County Road 75, Clearwater, MN 55320.

Passed by the City Council of Clearwater, Minnesota, this 21st day of October, 2013.

Attest:
Susan Vergin, Administrator