

Ordinance No. 166, Fourth Series

An Ordinance Replacing in its Entirety, Section 4.04, RENTAL DWELLING LICENSE CODE, Chapter 4, City Code of Red Wing

THE CITY COUNCIL OF THE CITY OF RED WING DO ORDAIN:

Section 1. This Ordinance replaces Section 4.04, Chapter 4, City Code, in its entirety.

SECTION 4.04. RENTAL DWELLING LICENSE CODE.

Subd. 1. Purpose. The purpose of the Rental Dwelling License Code is to protect, preserve, and promote the public health, safety, and the general welfare of the people of the City; to prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including physical, mental, and social well-being of persons occupying Rental Dwellings within the City; to provide, to the extent permitted by state law, for the enforcement of minimum standards for components or systems of residential structures; and to preserve the value of land and Buildings throughout the City.

Subd. 2. Definitions.

- A. Where applicable, and unless otherwise defined in this section, the definitions in Section 4.03 apply to this section.
- B. Operating License means an annual license issued by the City for Rental Dwelling Units that pass inspections once every three years. Operating License also means the license issued by the City for Rental Dwelling Units per Ordinance No. 153, Fourth Series, that is valid until December 31, 2021. Also referred to herein as "license."
- C. Temporary License means an initial license issued by the City prior to Rental Dwelling Units passing inspections for the first time as part of the rental license start-up described in Subd. 3, paragraph C(4). Also referred to herein as "license."
- D. Temporary Permit means the permit issued by the City for Rental Dwelling Units per Ordinance No. 153, Fourth Series, that is valid until December 31, 2021. Temporary Permit also means the permit issued pursuant to Subd. 3, paragraph C(8). Also referred to herein as "permit."
- E. Tenant means any person granted temporary use of a Rental Dwelling Unit, other than the Owner of the Rental Dwelling Unit and/or immediate family of that Owner (as

described in Subd. 3, paragraph B), pursuant to a lease or other agreement, whether or not reduced to writing.

Subd. 3. Inspection and Licensing of Rental Dwellings.

A. Rental Dwelling License. No person may maintain, operate, let, or cause to be let, a Rental Dwelling Unit without first having obtained an Operating License to do so from the City as hereinafter provided.

1. An Operating License will be valid for one year from the date of issuance and shall expire at the end of the one year. License fees shall be due annually. License fees shall be as established by the City Council. See Subd. 3, paragraph C(4) for information regarding the rental license program start-up.
2. A license renewal application and corresponding license fee shall be filed at least 30 days prior to license expiration date, unless the City has already renewed that license based upon a scheduled inspection conducted pursuant to paragraph C below. The license renewal application must be submitted to the City on the form furnished by the City as outlined in Subd. 3, paragraph E. The renewal of a license will be handled in the same manner as the original application.

B. License Exemption.

1. The Owner of a Rental Dwelling Unit is exempted from the licensing requirements of this section if the renter of the Rental Dwelling Unit is related to the Owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the Owner files an affidavit with the City stating that the renter is one of these relations.
2. The Owner must notify the City in writing within 30 days of this exemption being lost because the renter is not related to the Owner as one of the above-referenced relations.
3. The following properties are exempt from the licensing requirements of this section: retail/commercial/industrial properties; nursing homes; assisted living facilities; group homes; and similar properties.
4. An Owner who rents single rooms or basements in their Owner-Occupied Dwelling to a renter for less than twelve (12) months at a time is exempted from the licensing requirements of this section.

C. Rental Dwelling Inspections. No Operating License may be issued or renewed unless the City determines, following a required inspection conducted pursuant to this section, that the Rental Dwelling Unit and its Premises conform to the Housing Maintenance Code ("HMC").

1. Scheduled Inspections. The City enforcement officer and his or her agents are authorized to contact Owners, Tenants, and Operators or Resident Agents of Rental Dwellings to schedule inspections of Rental Dwellings at reasonable times. The City enforcement officer is also authorized to conduct those inspections once scheduled. These scheduled inspections will be conducted to determine whether

the Rental Dwelling Unit and its Premises conform to the HMC so as to inform the City's decision of whether to issue or renew an Operating License.

2. Inspections on Applications for New Rental Dwellings. In addition, upon receipt of a properly executed application for an Operating License, the City enforcement officer may cause an inspection to be made of the Rental Dwelling Unit and its Premises to determine whether they are in compliance with the HMC so as to inform the City's decision of whether to issue an Operating License. Inspections performed pursuant to the authority in paragraph C(1) or paragraph C(2) are hereinafter described as "License Inspections."
3. Complaint Inspections. In addition, the City enforcement officer is authorized to conduct inspections on Rental Dwelling Units when reason exists to believe that a violation of an applicable subdivision of the HMC exists, has been, or is being committed. A complaint or complaints from a Tenant of a Rental Dwelling Unit shall be an adequate basis for an inspection or a follow-up inspection of a Rental Dwelling Unit. Inspections performed pursuant to the authority in paragraph C(3) are hereinafter described as "Complaint Inspections."
4. The City enforcement officer will determine the schedule of scheduled inspections. To increase the awareness by Owners of the likely timing of requested inspections and to conserve public resources, the City enforcement officer may schedule and conduct inspections pursuant to paragraph C(1) according to the area of the City in which the Rental Dwelling Unit is located, dividing the City into zones.
 - (a) Rental License Start-Up Zones. Rental inspections will occur during a three-year period between January 1, 2022 and December 31, 2024. During that time, there will be four zones for inspections: Zone 1, Zone 2, Zone 3, and Zone 4. City staff will develop these zones and make information on the zones and inspections available to Owners and Tenants. The City will conduct inspections in Zone 1 from January 1, 2022 through December 31, 2022. The City will conduct inspections in Zone 2 from January 1, 2023 through December 31, 2023. The City will conduct inspections in Zone 3 from January 1, 2024 through December 31, 2024. Zone 4 will include multiple unit Rental Dwellings with a higher number of Rental Dwelling Units, which may be inspected as scheduled within one of the three annual inspection time periods. Some variation from this schedule may be necessary to accomplish implementation requirements, as determined by City staff.
 - (b) Temporary License then Operating License after Inspection. During the start-up phase of rental inspections, the City, upon receipt of an application, may issue an Owner of a Rental Dwelling Unit, regardless of zone, a Temporary License to rent the property. All Owners who intend to maintain, operate, let, or cause to be let, a Rental Dwelling Unit, including all Owners who have valid Operating Licenses or Temporary Permits that expire on December 31, 2021, must apply for a Temporary License as part of the start-up by January 1, 2022. No inspection is necessary for a Temporary License. The application must be submitted to the City on the form furnished by the City as outlined in Subd. 3, paragraph E. Rental Dwelling Units in Zone 1 may be issued a one-year Temporary License. Rental Dwelling Units in Zone 2 may be issued a two-year Temporary License. Rental Dwelling Units in Zone 3 may be issued a

three-year Temporary License. Thereafter, a one-year Operating License may be issued after a Rental Dwelling Unit passes its inspection during the initial start-up three-year period. After a Rental Dwelling Unit receives an Operating License, it will be subject to an ongoing once-every-three-years inspection cycle. Inspections will occur within three years of the date of last inspection.

- (c) License Fees. During the rental license start-up three-year period, license fees are due annually for Temporary Licenses, even for those Rental Dwelling Units that receive two-year or three-year Temporary Licenses. License fees for Temporary Licenses are due by the beginning of each program year – January 1. After a Rental Dwelling Unit receives an Operating License, license fees are due December 1 each year for annual license renewals. See Subd. 3, paragraphs A and H for more information.
5. If a Rental Dwelling Unit or its Premises are not in compliance, one or more follow-up inspections may be conducted to verify that conditions and any corrections conform to the provisions of the HMC. Owners will not be charged an additional fee for the first follow-up inspection of their Rental Dwelling Unit. If a second or third follow-up inspection is required, Owners will be charged a follow-up inspection fee as established by the City Council. If a Rental Dwelling Unit, after scheduling an inspection, is not made available for inspection on the scheduled date, the Owner may be subject to an additional fee as established by the City Council.
 6. When the basis for the inspection pursuant to this section is information observed or obtained during a License Inspection, such follow-up inspection shall be scheduled consistent with paragraph C(10).
 7. When scheduling License Inspections or Complaint Inspections (except inspections under Minnesota Statutes section 504B.185, as amended) pursuant to this section, the City enforcement officer or his or her agents will seek the consent of the Owner or Operator or Resident Agent of the property (if not already received) to inspect those areas outside of Rental Dwelling Units that are not accessible to the general public (including all common areas, garages, any internal rooms that are inaccessible to the public, such as storage, utility, or mechanical rooms), and to inspect unoccupied/vacant Rental Dwelling Units. The Owner must notify the Tenant at least 72 hours before such inspection(s). If the property Owner or Operator or Resident Agent demonstrates to the satisfaction of the City enforcement officer or his or her agents that one or more Tenants have been notified of and consented to the inspection of their Rental Dwelling Units, individual contacts by the City with those Tenants may be deemed unnecessary. Without such demonstration by the Owner or Operator or Resident Agent, the City will contact the Tenant in order to obtain consent for an inspection at least 72 hours before such inspection(s). The Owner or Operator or Resident Agent must be present for the License Inspections, unless it is a Complaint Inspection.

When scheduling Complaint Inspections, if the request for inspection falls under Minnesota Statutes section 504B.185, as amended, the City will comply with that statute.

8. If the City is unsuccessful in securing consent for an inspection pursuant to this section, the City shall seek permission, from a judicial officer through an administrative warrant, for its enforcement officer to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant. If the City is unsuccessful in obtaining an administrative warrant, the City may issue a Temporary Permit. If the City conducts an inspection during the permitting period and determines that the Rental Dwelling Unit and its Premises conform to the HMC, an Operating License may be issued. If the City conducts an inspection during the permitting period and determines that the Rental Dwelling Unit and its Premises do not conform to the HMC, the City enforcement officer may issue a compliance order and/or recommend that the permit be suspended or revoked consistent with this section. In any event, a Temporary Permit will only be valid for one year from the date of issuance and shall expire at the end of the one year, unless it expires at an earlier date because the permit is suspended, revoked, or because an Operating License is issued. An Owner of a Rental Dwelling Unit must apply for an Operating License from the City at least 60 days prior to the Temporary Permit expiration date if the Owner intends to continue to maintain, operate, let, or cause to be let the Rental Dwelling Unit.
9. The scope of a License Inspection shall be limited to what is necessary to determine in accordance with this subdivision whether the Rental Dwelling Unit and its Premises conform to the HMC. This shall not preclude the City enforcement officer from relying upon observations from a License Inspection in seeking one or more of the remedies provided in Section 4.04, Subd. 4. Inspections may include all exterior structures and exterior property areas. Each Rental Dwelling Unit in a multiple unit Rental Dwelling will be inspected.
10. A License Inspection must be scheduled during ordinary business hours (or may be otherwise arranged with the Owner or Tenant). Owners or their Operators or Resident Agents must be present for the License Inspection. Owners or their Operators or Resident Agents may identify at least three dates and times when they agree to be present within the two weeks following the date they were notified that an inspection would occur, if the pre-scheduled date provided by the City is not feasible.
11. During inspections conducted pursuant to an administrative warrant, photographs and video recordings may not be taken of areas inside the Building, absent further court permission or consent of the Tenant (for areas inside the Rental Dwelling Unit) or the Owner (for areas inside the Building but outside a Tenant's Rental Dwelling Unit, and areas inside an unoccupied/vacant Rental Dwelling Unit).
12. Inspectors are not authorized to open containers, drawers, or medicine cabinets, unless the containers, drawers, or medicine cabinets are opened with the consent of the Tenant (for areas inside the Rental Dwelling Unit) or the Owner (for areas inside the Building but outside a Tenant's Rental Dwelling Unit, and areas inside an unoccupied/vacant Rental Dwelling Unit). For purposes of this paragraph, a medicine cabinet is a covered cabinet located above a sink in a Rental Dwelling Unit's bathroom.

13. Inspectors are authorized to open cabinets (other than medicine cabinets) or closets only when because of their location, those closets or cabinets, when unopened, appear to contain one or more water or waste water pipes, or fuses, or exposed electrical wiring, and it is reasonably necessary in order to inspect for the existence of one or more conditions that potentially violates the HMC, or when the cabinets or closets are opened with the consent of the Tenant (for areas inside the Rental Dwelling Unit) or the Owner (for areas inside the Building but outside a Tenant's Rental Dwelling Unit, and areas inside an unoccupied/vacant Rental Dwelling Unit).
14. The information regarding the condition of the Building or Rental Dwelling Unit, or its Owners or Tenants that inspectors retain after recording it in any inspection logs or forms shall be limited to descriptions of conditions constituting a violation of the HMC. Inspectors may record a list of conditions that the Owner or Tenant is encouraged to repair or change but which do not constitute a violation of the HMC, if that list is not retained by the inspector or City but is instead simply given to the Owner or Tenant.
15. The City may not upload to a GIS system any data classified under Minnesota law as private, nonpublic, or confidential regarding the results of inspections conducted pursuant to this section.
16. The City will not share information regarding the condition of the Building or Rental Dwelling Unit, or its Owners or Tenants obtained through inspections conducted pursuant to this section with any current member of the Red Wing Police Department or former member of that Department not serving as a housing inspector for the City, any sheriff's office, or any law-enforcement agency of another jurisdiction, or enable their discovery by such person or agency, unless:
 - (a) such disclosure is required by law; or
 - (b) such disclosure to such person or agency is needed to abate an active or inactive methamphetamine lab, mistreatment of one or more minors in violation of Minn. Stat. sections 609.377 or 609.378, or chapter 260E, mistreatment of one or more vulnerable adults in violation of Minn. Stat. sections 609.23 through 609.233, 626.557, or mistreatment of one or more animals in violation of Minn. Stat. section 343.21; while such disclosures are permitted, the City is not obligated to disclose such information unless disclosure is required by law; or
 - (c) if an Owner or Tenant of a Building or Rental Dwelling Unit has made an express or implied threat of bodily harm, causing the inspector to be concerned for his or her welfare, and the disclosure is made for the purpose of enabling one or more law enforcement officers to accompany the inspector in the completion of the inspection or the full performance of his or her duties.

The City will not share information regarding the condition of the Building or Rental Dwelling Unit, or its Owners or Tenants obtained through inspections conducted pursuant to this section with any current or former member of a non-law-enforcement agency (not including the Red Wing City Government, Red Wing City Attorney, or a court), or enable their discovery by such person or agency, unless

such disclosure is required by law. Notwithstanding the foregoing, the City may, as permitted by law, share health and safety information regarding the conditions of the Building and Rental Dwelling Unit, and its Owners and Tenants obtained through inspections conducted pursuant to this section with the Goodhue County public health division.

- D. **Inspection Not Required.** Inspection for the issuance or renewal of a license may be waived by the City if the Owner of a Rental Dwelling Unit is the Red Wing Housing and Redevelopment Authority with inspections required by State or Federal regulations and with inspections that are at least as stringent as the inspection required under this section. For newly constructed or reconstructed Rental Dwelling Units, inspection for the issuance or renewal of a license may be waived by the City if the Owner proves that within the previous 36 months the Rental Dwelling Unit passed an inspection required by the City that is at least as stringent as the inspection required under this section. For newly constructed or reconstructed Rental Dwelling Units, the date from which the City issued a Temporary or Final Certificate of Occupancy (CO) shall establish the 36-month period. A CO issued within six months after January 1 shall begin on the previous January 1, and a CO issued within six months prior to January 1 shall begin on the following January 1. The City has sole discretion to determine when an inspection is at least as stringent as the inspection required under this section. Inspections conducted as the result of a complaint made to the City may not be waived under this provision.
- E. **Application Contents.** Owners of one or more Rental Dwelling Units who have not yet received an Operating License are responsible for applying with the City for an Operating License. An application (including a renewal application) must be submitted to the City on the form furnished by the City. Before any portion of a property is used as a Rental Dwelling Unit, the Owner must first secure an Operating License. With the application, the Owner must supply the following information, and update such information within ten days of any change to ensure that it is accurate and current:
1. Name, address, telephone number, and e-mail address of Rental Dwelling Unit Owner, owning partners if a partnership (and indicate that it is a partnership), corporate officers if a corporation (and indicate that it is a corporation);
 2. Name, address, telephone number, and e-mail address of designated Operator or Resident Agent, if any;
 3. Name, address, and telephone number of vendor, if the Rental Dwelling Unit is being sold through a contract for deed;
 4. Legal address of the Rental Dwelling Unit;
 5. Number of Rental Dwelling Units within the Building, including unit size and number of bedrooms and number of bathrooms for each Rental Dwelling Unit; and
 6. At least one emergency telephone number.
- F. **Following Acquisition.** An Owner must register a newly acquired Rental Dwelling Unit within ten days after acquiring it by applying for an Operating License.

- G. **Following Conversion.** An Owner of an Owner-Occupied Dwelling or a Dwelling Unit that has been converted into a Rental Dwelling Unit must register the newly converted Rental Dwelling Unit within ten days after converting it by applying for an Operating License.
- H. **License Fees.** License fees shall be filed with the application or renewal application. A license fee paid later than 30 business days after the prescribed date is subject to an additional administrative service charge as determined by the City Council. The licensee is not entitled to a refund of any license fee upon revocation or suspension, or transfer of ownership of the Rental Dwelling Unit. License fees shall be as established by the City Council.
- I. **Resident Agent Required.** A license or permit may not be issued or renewed for a nonresident Owner of Rental Dwelling Units (one who does not reside in any of the following Minnesota or Wisconsin counties: Goodhue, Dakota, Rice, Wabasha, Hennepin, Washington, Ramsey, Olmsted, Pierce, or St. Croix) unless such Owner designates in writing to the City enforcement officer the name, address, telephone number, and e-mail address of his Resident Agent (one who does reside in any of the following Minnesota or Wisconsin counties: Goodhue, Dakota, Rice, Wabasha, Hennepin, Washington, Ramsey, Olmsted, Pierce, or St. Croix) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Code and to receive orders or process pursuant to law. The City enforcement officer must be notified in writing of any change of Resident Agent or Resident Agent address, telephone number, or e-mail address within 10 days of the change. This Resident Agent requirement may be waived if, in the City enforcement officer's determination, the Owner not living in one of the above specified counties is nonetheless sufficiently accessible for the purposes of the HMC.
- J. **Additional Requirements.** The City may require educational training or participation in programs related to the license.
- K. **Posting of Permit or License.** The current permit or license of a multiple unit Rental Dwelling Unit, or a legible copy thereof, must be conspicuously posted in the main entry way or a conspicuous exterior location of the respective multiple unit Rental Dwelling Unit. In the case of one-family and two-family Rental Dwelling Units, a legible copy of the current permit or license must be given to the renter(s) of each Rental Dwelling Unit.
- L. **License Not Transferable.** A permit or license is not transferable to another person, entity, or to another Rental Dwelling. Every person or entity holding a permit or license must give notice in writing to the City enforcement officer within ten days after having legally transferred or otherwise disposed of the legal control of any permitted or licensed Rental Dwelling. The notice must include the name, address, and telephone number of the person succeeding to the ownership or control of such Rental Dwelling(s). The person succeeding to the ownership or control of the Rental Dwelling(s) must obtain an Operating License in order to continue operating the Rental Dwelling(s).
- M. **Violation.** Any person or entity that maintains, operates, lets, or causes to be let a Rental Dwelling Unit without having a valid permit or license, or permits new

occupancy in violation of this subdivision, shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in amounts set in the City Fee Schedule. An administrative fee may be appealed pursuant to Subd. 4, paragraph F of this section. Upon the loss of an appeal or the failure to appeal an administrative fee within ten business days after receipt of the invoice documenting the administrative fee, the City may post the Rental Dwelling Unit as illegal for habitation. Thereafter, the Dwelling Unit may not be occupied by anyone other than the primary homestead Owner and that person's immediate family (as described in Subd. 3, paragraph B) until (a) the administrative fee has been paid and (b) a rental license is obtained or the City is satisfied that the Dwelling Unit will not be used as a Rental Dwelling Unit. Each day of each violation constitutes a separate offense.

Subd. 4. Administration and Enforcement.

- A. Administration and Enforcement. The City enforcement officer and his or her agents administer and enforce the provisions of the HMC. They may enforce the standards of the HMC through the license programs set forth in Subd. 3 and, where appropriate, through the powers set forth below.
- B. Authority. In the absence of a timely appeal under Subd. 4, paragraph F or any other applicable provision of law, the City enforcement officer is the final authority in the determination of a violation under the HMC, with the exception of permit or license denials, nonrenewals, suspensions, and revocations. The City Council is the final authority with regard to permit or license denials, nonrenewals, suspensions, and revocations.
- C. Compliance Order. Whenever a City enforcement officer determines that any Rental Dwelling Unit, or the Premises surrounding any of these, fails to meet the provisions of the HMC, the City enforcement officer may issue a compliance order setting forth the violations of the HMC and ordering the Owner, Occupant, or Operator or Resident Agent to correct such violations. The compliance order must:
 - 1. Be in writing;
 - 2. Describe the location and nature of the violations of the HMC;
 - 3. Establish a reasonable time, not to exceed 45 days and any extensions granted by the City (the total time period allowed may not exceed 90 days), for the correction of such violations, except as outlined below.
 - (a) When a violation of the HMC constitutes an imminent peril to life, health, or property, an immediate and exact time for the correction of the violation constitutes a "reasonable time" for correction for purposes of this paragraph 3. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal.
 - (b) A reasonable time may be longer than 90 days if correction is not possible because of prevailing weather conditions or other unusual circumstances;

4. Include information regarding the Owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to Section 4.04, Subd. 4, paragraph F;
 5. State that if the violations are not corrected within the time set in the compliance order, the license or permit may be suspended or revoked, the Operating License may be not renewed, or the necessary work may be performed by the City at the expense of the Owner and if the Owner does not pay for the expense, the cost of the work will be assessed against the property; and
 6. Be served on the Owner or his Operator or Resident Agent or the Occupant, as the case may require. Such notice shall be deemed to be properly served on such Owner or Operator or Resident Agent, or on any such Occupant, if a copy thereof is:
 - (a) Served personally; or
 - (b) Deposited in the U.S. Post Office addressed to his or her last known address with postage prepaid; and
 - (c) In addition to paragraphs 6(a) or 6(b), the notice may be posted at a conspicuous place in or about the Rental Dwelling Unit or the Premises which is affected by the notice.
- D. Emergency Cases. For purposes of paragraph C(3) above, situations which constitute an imminent peril to life, health, or property include, but are not limited to the following:
1. Heating systems that are Unsafe as defined in Section 4.03, Subd. 4 due to having burned out or rusted out heat exchanges (fire box); having burned out or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.
 2. Water heaters that are Unsafe as defined in Section 4.03, Subd. 4 due to having burned out or rusted out heat exchanges (fire box); having burned out, rusted out, or plugged flues; not being properly vented; being connected with unsafe gas supplies; or lacking temperature and pressure relief valves.
 3. Electrical systems that are Unsafe as defined in Section 4.03, Subd. 4 due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; exposed uninsulated wires; unsafe distribution systems of extension cords or other temporary methods; ungrounded appliances located in a hazardous condition.
 4. Plumbing systems that are not Sanitary due to:
 - (a) leaking waste systems fixtures and traps;
 - (b) lack of a water closet (toilet);
 - (c) lack of washing and bathing facilities; or

- (d) cross connection of a pure water supply with fixtures or sewage lines.
 - 5. Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems that are Unsafe as defined in Section 4.03, Subd. 4.
 - 6. Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, and other materials that are not Sanitary.
 - 7. Infestation of rodents, insects, and other vermin.
- E. Follow-up Inspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the City enforcement officer shall make a follow-up inspection of the Rental Dwelling Unit and/or its Premises to determine whether corrective actions have been sufficient to bring the violation(s) into compliance.
- 1. If the Rental Dwelling Unit and its Premises are in compliance with the requirements of this section at the time of the follow-up inspection as determined by the City enforcement officer, a license may be issued in accordance with the requirements of Section 4.04.
 - 2. If the City enforcement officer determines that the violation(s) has not been corrected and the Rental Dwelling Unit(s) has not been vacated, the City enforcement officer may recommend that the City Council suspend or revoke any existing permit or license or not renew any existing Operating License, and the City Council may suspend or revoke said permit or license or decline to renew said Operating License. The City enforcement officer also may issue a citation, pursuant to Section 1.12, Subd. 2, or may file a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the ordinance section(s) violated. The City may also take action to correct violations under the provisions of Section 4.04, Subd. 4, paragraph G.
- F. Appeal of Compliance Order.
- 1. Right of Appeal. Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten business days after service of the compliance order. If an appeal is not filed within the timelines and in the manner specified herein, the City enforcement officer's decision shall be final. The filing fee is set by City Code Section 6.04 and Council resolution pursuant to that section. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety.
 - 2. City Council Decision. Upon at least five business days' notice to the appellant of the time and place for hearing the appeal, and within 30 days after said appeal is filed, the City Council or the individual or committee designated by the Council as the appeal body, must hold a hearing thereon, at which there will be a presentation of evidence by the City or its representative to support

the compliance order and the appellant and their representative may appear and present evidence as to why the compliance order, or any portion thereof, should not be issued. If an individual or committee other than the City Council hears the appeal, it shall make a recommendation to the City Council. The City Council shall issue a written decision on the appeal. The City Council may reverse, modify, or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council or appeal committee or individual may postpone a hearing and hold the hearing at a later date, not to exceed 60 days after the appeal is filed, for good cause.

- G. Execution of Compliance Orders by Public Authority. Upon the failure to comply with a compliance order within the time set therein, the Rental Dwelling Unit(s) not being vacated, and no appeal having been taken or an appeal having been lost, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the City enforcement officer to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property Owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.
- H. Penalties. Any person who fails to comply with a compliance order within the time limits specified therein shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or, in severe cases, imprisonment as prescribed by state law. Each day of such failure to comply constitutes a separate offense.
- I. Permit or License Denial, Nonrenewal, Suspension, and Revocation
 - 1. Generally. In the event that a license is denied by the City Council, or a license or permit is suspended or revoked by the City Council, or an Operating License expires without renewal, it is unlawful for the Owner or his duly authorized Operator or Resident Agent to thereafter permit any new occupancy of vacant or thereafter vacated Rental Dwelling Units until such time as a valid license or permit may be obtained or restored by the City Council.
 - 2. Denial or Nonrenewal. A City enforcement officer may recommend denial of a license to the City Council or nonrenewal of an Operating License to the City Council. A denial of a license or nonrenewal of an Operating License does not prevent an Owner from applying or reapplying for a license for that same Rental Dwelling Unit. A denial or nonrenewal may, however, state conditions of reapplication. The process for denial of a license or nonrenewal of an Operating License based on an outdated, incomplete, or inaccurate application is to inform the Owner of the issue and to provide the Owner with a reasonable opportunity to submit a current, complete, and accurate application.
 - 3. Suspension or Revocation. A City enforcement officer may recommend suspension or revocation of a permit or license to the City Council. At any time during a permitting or licensing period, if a Rental Dwelling Unit does not

comply with the requirements of this section, the permit or license may be brought forth to the City Council for consideration of suspension or revocation.

- (a) Licenses and permits may be suspended for up to 90 calendar days. After the period of suspension, a license or permit may be reinstated or issued by the City Council subject to compliance with this section and all conditions imposed by the City Council at the time of suspension. After a suspension, the Owner may pay a follow-up inspection fee and request a follow-up inspection and reinstatement or issuance of a license or permit. If, after the follow-up inspection, the City Council determines that the violation(s) has been corrected and the Rental Dwelling Unit(s) and its Premises comply with the HMC, the license or permit may be reinstated or issued. Fees for a follow-up inspection may apply as outlined in the City Fee Schedule.
 - (b) Licenses that are revoked will not be reinstated until the Owner has applied for and secured a new license consistent with this section and has complied with all conditions imposed at the time of revocation. Permits that are revoked may be reinstated by the City Council subject to compliance with this section and all conditions imposed by the City Council at the time of revocation. Upon a decision to revoke, no approval for any license or permit for the same Rental Dwelling Unit will be effective until after the period of time specified in the City Council's revocation, which shall not exceed one year. The City Council shall specify in its revocation the date when an application for a new license will be accepted for processing or a permit may be issued.
4. Grounds. The City Council may deny any license, suspend or revoke any permit or license, or decline to renew any Operating License upon any of the following grounds. The following list is not exhaustive or exclusive:
- (a) Failure to provide a current, complete, and accurate application. Failure to provide updated application information during the permit or license period.
 - (b) False statements, misrepresentations, or fraudulent statements on any application or other document required by this section to be given by the applicant, permittee, or licensee.
 - (c) Failure to pay any fees or penalties required by this section or Council resolution.
 - (d) Failure to pay any delinquent real estate taxes, property taxes, assessments, or utility charges owed to the City; any outstanding fees, fines, or penalties owed to the City; and any other financial claims due to the City as required by the City Code or Council resolution.
 - (e) Leasing Rental Dwelling Units without a valid Temporary Permit, Temporary License, or Operating License or leasing Rental Dwelling Units that have suspended or revoked licenses or permits.

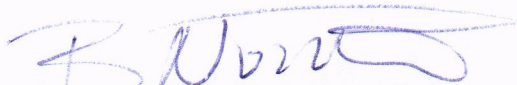
- (f) Failure of a Rental Dwelling Unit or its Premises to comply with the provisions of the HMC, the City Code, and the laws of the State of Minnesota or failure to operate, let, cause to be let, or maintain a Rental Dwelling Unit and its Premises consistent with the provisions of the HMC, the City Code, and the laws of the State of Minnesota.
 - (g) Failure to correct violations of the HMC in the time period specified in the compliance order.
 - (h) Failure to continuously comply with any condition required of the applicant, permittee, or licensee for the approval or maintenance of a permit or license.
 - (i) Failure to eliminate imminent perils to life, health, or property as determined by the City, leasing Rental Dwelling Units that are deemed hazardous or unsafe, or leasing Rental Dwelling Units within a Building that is deemed hazardous or unsafe.
 - (j) Any other violation of this section.
5. **Written Notice.** Prior to a denial, nonrenewal, suspension, or revocation by the City Council, the City enforcement officer shall send written notice to the Owner specifying the grounds upon which the proposed denial, nonrenewal, suspension, or revocation is based; the facts supporting those grounds; the Code or law violations with which the Owner is accused; and the affected Rental Dwelling Unit. The notice shall also specify that the proposed denial, nonrenewal, suspension, or revocation will be considered at an upcoming hearing; the place, time, and date for the hearing before the City Council or the individual or committee designated by the Council as the hearing body, which shall be not less than ten days from the date of the notice; and specify the Owner's right to be present and represented by counsel. The written notice shall be served as provided in Subd. 4, paragraph C(6).
6. **Hearing.** At the hearing before the City Council or the individual or committee designated by the Council as the hearing body, there will be a presentation of evidence by the City or its representative to support the proposed denial, nonrenewal, suspension, or revocation. This includes presenting evidence through witnesses and confronting and cross-examining opposing witnesses. The Owner or their representative will be given an opportunity to respond to the proposed denial, nonrenewal, suspension, or revocation and may submit and present evidence on the Owner's behalf. This includes presenting evidence through witnesses and confronting and cross-examining opposing witnesses. If an individual or committee hears the matter, it shall make a recommendation to the City Council. The City Council shall issue a written decision on the matter, including the reasons for its decision, based on the evidence adduced at the hearing. The Council may reverse, modify, or affirm, in whole or in part, the proposed denial, nonrenewal, suspension, or revocation. The Council, hearing committee, or individual may postpone a hearing and hold the hearing at a later date, not to exceed 60 days after the scheduled hearing date, for good cause.

J. No Warranty by City. By enacting and undertaking to enforce the HMC, neither the City nor its Council, agents or employees warrant or guarantee the safety, fitness or suitability of any Rental Dwelling Unit in the City. Owners and Tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the permit and license.

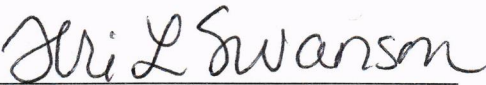
Section 2. Effective Date: This Ordinance is effective 14 days following the publication of the ordinance in accordance with the City Charter.

Introduced the 26th day of July 2021

Adopted this 9th August 2021



Becky Norton, Council President

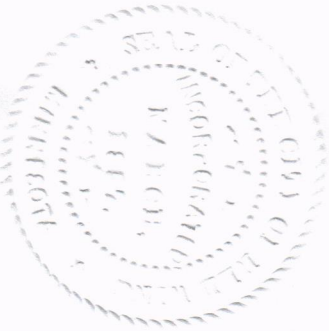
ATTEST:


Teri L. Swanson, City Clerk

(seal)

Presented to the Mayor at 10:15 pm on this 10 day of August 2021.
Approved this 10 day of August 2021.


Michael Wilson, Mayor



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

ss.

COUNTY OF GOODHUE

Elisabeth Beam, being first duly sworn, on oath states as follows: 1. I am the publisher of the *Republican Eagle*, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.


2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: ***Saturday, August 28, 2021.***

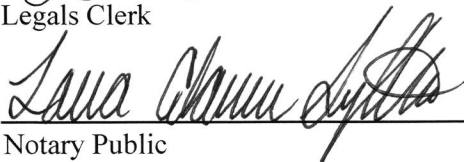
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: *\$13.80 per column inch.*

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Goodhue County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

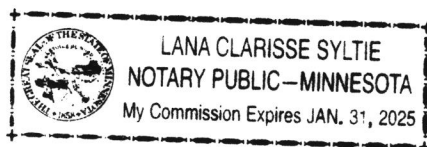
Dated this 28th day of August, 2021.



Legals Clerk



Notary Public



An Ordinance Replacing in its Entirety, Section 4.04, RENTAL DWELLING LICENSE CODE, Chapter 4, City Code of Red Wing

THE CITY COUNCIL OF THE CITY OF RED WING DO ORDAIN:

Section 1. This Ordinance replaces Section 4.04, Chapter 4, City Code, in its entirety.

SECTION 4.04. RENTAL DWELLING LICENSE CODE.

Subd. 1. Purpose. The purpose of the Rental Dwelling License Code is to protect, preserve, and promote the public health, safety, and the general welfare of the people of the City, to prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, health, well-being, and general welfare, including physical, mental, and social well-being of persons occupying Rental Dwellings within the City, to provide, to the extent permitted by state law, for the enforcement of minimum standards for the construction and maintenance of residential structures; and to preserve the value of land and buildings throughout the City.

Subd. 2. Definitions.

- A. Where applicable, and unless otherwise defined in this section, the definitions in Section 4.03 apply to this section.
B. Operating License means an annual license issued by the City for Rental Dwelling Units that passes inspections once every three years. Operating License also means the license issued by the City for Rental Dwelling Units per Ordinance No. 153, Fourth Series, that is valid until December 31, 2021. Also referred to herein as "license."
C. Temporary License means an initial license issued by the City prior to Rental Dwelling Units passing inspections for the first time as part of the rental license start-up described in Subd. 3, paragraph C(4). Also referred to herein as "license."
D. Temporary Permit means the permit issued by the City for Rental Dwelling Units per Ordinance No. 153, Fourth Series, that is valid until December 31, 2021. Temporary Permit also means the permit issued pursuant to Subd. 3, paragraph C(8). Also referred to herein as "permit."
E. Tenant means any person granted temporary use of a Rental Dwelling Unit, other than the Owner of the Rental Dwelling Unit and/or immediate family of that Owner as described in Subd. 3, paragraph C(1) pursuant to a lease or other agreement, whether or not reduced to writing.

Subd. 3. Inspection and Licensing of Rental Dwellings.

A. Rental Dwelling License. No person may maintain, operate, let, or cause to be let, a Rental Dwelling Unit without first having obtained an Operating License to do so from the City as hereinafter provided.

- 1. An Operating License will be valid for one year from the date of issuance and shall expire at the end of the one year. License fees shall be due annually. License fees shall be established by the City Council. See Subd. 3, paragraph C(4) for information regarding the rental license program start-up.
2. A license renewal application and corresponding license fee shall be filed at least 30 days prior to license expiration date, unless the City has already renewed that license based upon a scheduled inspection conducted pursuant to paragraph C below. The license renewal application must be submitted to the City on the form furnished by the City as outlined in Subd. 3, paragraph C(4). The renewal of a license will be handled in the same manner as the original application.

B. License Exemption.

- 1. The Owner of a Rental Dwelling Unit is exempted from the licensing requirements of this section if the renter of the Rental Dwelling Unit is related to the Owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-grandparent, or step-grandchild and the Owner files an affidavit with the City stating that the renter is one of these relations.
2. The City may not notify the City in writing within 30 days of this exemption being kept because the renter is not related to the Owner as one of the above-referenced relations.
3. The following properties are exempt from the licensing requirements of this section: retail/commercial/industrial properties, nursing homes, assisted living facilities, group homes, and similar properties.
4. An Owner who rents single rooms or basements in their Owner-Occupied Dwelling to a renter for less than twelve (12) months at a time is exempted from the licensing requirements of this section.

C. Rental Dwelling Inspections. No Operating License may be issued or renewed unless the City determines, following a required inspection conducted pursuant to this section, that the Rental Dwelling Unit and its Premises conform to the Housing Maintenance Code ("HMC").

- 1. Scheduled Inspections. The City enforcement officer and his or her agents are authorized to contact Owners, Tenants, and Operators or Resident Agents of Rental Dwellings to schedule inspections of Rental Dwellings at reasonable times. The City enforcement officer is also authorized to conduct random inspections once scheduled. These scheduled inspections will be conducted to determine whether the Rental Dwelling Unit and its Premises conform to the HMC so as to inform the City's decision of whether to issue an Operating License. Inspections performed pursuant to the authority in paragraph C(1) or paragraph C(2) are hereinafter described as "License Inspections."
2. Inspections on Applications for New Rental Dwellings. In addition, upon receipt of a properly executed application for an Operating License, the City enforcement officer may cause an inspection to be made of the Rental Dwelling Unit and its Premises to determine whether they are in compliance with the HMC so as to inform the City's decision of whether to issue an Operating License. Inspections performed pursuant to the authority in paragraph C(1) or paragraph C(2) are hereinafter described as "License Inspections."
3. Complaint Inspections. In addition, the City enforcement officer is authorized to conduct inspections on Rental Dwellings Units when reason exists to believe that a violation of an applicable subsection of the HMC exists, has been, or is being committed. A complaint or complaint from a Tenant of a Rental Dwelling Unit shall be an adequate basis for an inspection or a follow-up inspection of a Rental Dwelling Unit. Inspections performed pursuant to the authority in paragraph C(3) are hereinafter described as "Complaint Inspections."
4. The City enforcement officer will determine the schedule of scheduled inspections. To increase the awareness by Owners of the likely timing of requested inspections and to conserve public resources, the City enforcement officer may schedule and conduct inspections pursuant to paragraph C(1) according to the area of the City in which the Rental Dwelling Unit is located, dividing the City into zones.

(a) Rental License Start-Up Zones. Rental inspections will occur during a three-year period from January 1, 2022 and December 31, 2024. During that time, there will be four zones for inspections: Zone 1, Zone 2, Zone 3, and Zone 4. City staff will develop these zones and make modifications to the zones and inspections available to Owners and Tenants. The City will conduct inspections in Zone 1 from January 1, 2022 through December 31, 2022. The City will conduct inspections in Zone 2 from January 1, 2023 through December 31, 2023. The City will conduct inspections in Zone 3 from January 1, 2024 through December 31, 2024. The City will conduct multiple unit Rental Dwellings with a higher number of Rental Dwelling Units, which may be inspected as scheduled within one of the three annual inspection time periods. Some variation from this schedule may be necessary to accomplish implementation requirements, as determined by City staff.

(b) Temporary License then Operating License after Inspection. During the start-up phase of rental inspections, the City, upon receipt of an application, may issue an Owner of a Rental Dwelling Unit, regardless of zone, a Temporary License to rent the property. All Owners who intend to maintain, operate, let, or cause to be let, a Rental Dwelling Unit, including all Owners who have valid Operating Licenses or Temporary Permits that expire on December 31, 2021, must apply for a Temporary License as part of the start-up by January 1, 2022. No inspection is necessary for a Temporary License. The application must be submitted to the City on the form furnished by the City as outlined in Subd. 3, paragraph E. Rental Dwelling Units in Zone 1 may be issued a one-year Temporary License. Rental Dwelling Units in Zone 2 may be issued a two-year Temporary License. Rental Dwelling Units in Zone 3 may be issued a three-year Temporary License. Thereafter, a one-year Operating License may be issued after a Rental Dwelling Unit passes its inspection during the initial start-up three-year period. After a Rental Dwelling Unit receives an Operating License, it will be subject to ongoing inspections every three years inspection cycle. Inspections will occur within three years of the date of last inspection.

(c) License Fees. During the rental license start-up three-year period, license fees are due annually for Temporary Licenses, even for those Rental Dwelling Units that receive two-year or three-year Temporary Licenses. License fees for Temporary Licenses are due by the beginning of each program year - January 1. After a Rental Dwelling Unit receives an Operating License, license fees are due December 1 each year for annual license renewals. See Subd. 3, paragraphs 4 and 5 for more information.

5. If a Rental Dwelling Unit or its Premises are not in compliance, one or more follow-up inspections may be conducted to verify that conditions and any corrections conform to the provisions of the HMC. Owners will not be charged an additional fee for the first follow-up inspection of their Rental Dwelling Unit. If a second or third follow-up inspection is required, Owners will be charged a follow-up inspection fee as established by the City Council. If a Rental Dwelling Unit after scheduling an inspec-

tion, is not made available for inspection on the scheduled date, the Owner may be subject to an additional fee as established by the City Council.

- 6. When the basis for the inspection pursuant to this section is information obtained during a License Inspection, such follow-up inspection shall be conducted consistent with paragraph C(10).
7. When scheduling License Inspections or Complaint Inspections (except inspections under Minnesota Statutes section 504B.185, as amended) pursuant to this section, the City enforcement officer or his or her agents will seek the consent of the Owner or Operator or Resident Agent of the property (if not already required) to inspect those areas of the Rental Dwelling Units that are not accessible to the general public including all common areas, garages, any interior rooms that are inaccessible to the public, such as storage, utility, or mechanical rooms, and to inspect unoccupied/vacant Rental Dwelling Units. The Owner must notify the Tenant at least 72 hours before such inspection(s). If the property Owner or Operator or Resident Agent demonstrates to the satisfaction of the City enforcement officer or his or her agents that one or more Tenants have been notified and consented to the inspection of the Rental Dwelling Units, individual contacts by the City with those Tenants may be deemed unnecessary. Without such demonstration by the Owner or Operator or Resident Agent, the City will contact the Tenant in order to obtain consent for an inspection at least 72 hours before such inspection(s). The Owner or Operator or Resident Agent must be notified of the License Inspections, unless it is a Complaint Inspection.

When scheduling Complaint Inspections, if the request for inspection falls under Minnesota Statutes section 504B.185, as amended, the City will comply with that statute.

- 8. If the City is unsuccessful in securing consent for an inspection pursuant to this section, the City shall seek permission from a judicial officer through a writ of administrative warrant, for its enforcement officer to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer in condition or limit the scope of the administrative warrant. If the City is unsuccessful in obtaining an administrative warrant, the City may issue a Temporary Permit. If the City conducts an inspection during the Temporary Permit, the Rental Dwelling Unit and its Premises conform to the HMC, an Operating License may be issued. If the City conducts an inspection during the Temporary Permit and determines that the Rental Dwelling Unit and its Premises do not conform to the HMC, the City enforcement officer may issue a compliance order and/or recommend that the Owner or Operator or Resident Agent consent with this section. In any event, a Temporary Permit will only be valid for one year from the date of issuance and shall expire at the end of the one year. License fees shall be established by the City Council. See Subd. 3, paragraph C(4) for information regarding the rental license program start-up.
9. The scope of a License Inspection shall be limited to what is necessary to determine if the condition, clause, or subsection whether the Rental Dwelling Unit and its Premises conform to the HMC. This shall not preclude the City enforcement officer from seeking one or more of the remedies provided in Section 4.04, Subd. 4. Inspections may include all exterior structures and exterior property areas. Each Rental Dwelling Unit in a multiple unit Rental Dwelling will be inspected.

10. A License Inspection must be scheduled during ordinary business hours (or may be otherwise arranged with the Owner and Tenant). Owners or their Operators or Resident Agents must be present for the License Inspection. The City enforcement officer or Resident Agents may identify at least three dates and times when they agree to be present within the two weeks following the date they were notified that an inspection would occur, if the pre-scheduled date provided by the City is not feasible.

11. During inspections conducted pursuant to an administrative warrant, photographs and video recordings may not be taken of areas inside the Building, absent further court permission or consent of the Tenant for areas inside the Building and the Owner for areas inside the Building but outside a Tenant's Rental Dwelling Unit, and areas inside an unoccupied/vacant Rental Dwelling Unit.

12. Inspectors are not authorized to open containers, drawers, or medicine cabinets unless the containers, drawers, or medicine cabinets are opened with the consent of the Tenant for areas inside the Rental Dwelling Unit or the Owner for areas inside the Building but outside the Rental Dwelling Unit. For purposes of this paragraph, a medicine cabinet is a covered cabinet located above a sink in a Rental Dwelling Unit's bathroom.

13. Inspectors are authorized to open cabinets (other than medicine cabinets) or closets only when necessary to determine if the closets or cabinets, when unopened, appear to contain one or more water or waste water pipes, or hoses, or exposed electrical wiring, and it is reasonably necessary to inspect for the existence of one or more conditions that potentially violates the HMC, or when the cabinets or closets are opened with the consent of the Tenant for areas inside the Rental Dwelling Unit or the Owner for areas inside the Building but outside a Tenant's Rental Dwelling Unit, and areas inside an unoccupied/vacant Rental Dwelling Unit.

14. The information regarding the condition of the Building or Rental Dwelling Unit, or its Owners or Tenants, that inspectors retain after recording it in any inspection logs or forms shall be limited to descriptions of conditions constituting a violation of the HMC. Inspectors may record a condition that the Owner or Tenant is encouraged to repair or change but which does not constitute a violation of the HMC, if that list is not retained by the inspector or City but is instead simply given to the Owner or Tenant.

15. The City may not upload to a GIS system any data classified under Minnesota law as private, nonpublic, or confidential regarding the results of inspections conducted pursuant to this section.

16. The City will not share information regarding the condition of the Building or Rental Dwelling Unit or its Owners or Tenants obtained through inspections conducted pursuant to this section with any current or former member of a law-enforcement agency (not including the Red Wing City Government, Red Wing City Attorney, or a court), or enable their discovery by such person or agency, unless:

- (a) such disclosure is required by law; or
(b) such disclosure to such person or agency is needed to abate an active or inactive methamphetamine lab, mistreatment of one or more minors in violation of Minn. Stat. sections 609.377 or 609.378, or chapter 260E, mistreatment of one or more vulnerable adults in violation of Minn. Stat. sections 60B.23 through 60B.234, 62B.557, or mistreatment of one or more adults in violation of Minn. Stat. section 343.21; while such disclosures are permitted, the City is not obligated to disclose such information unless disclosure is required by law; or
(c) if an Owner or Tenant of a Building or Rental Dwelling Unit has made an express or implied threat of bodily harm, causing the inspector to be concerned for his or her welfare, and the disclosure is made for the purposes of enabling one or more law enforcement officers to accompany the inspector in the completion of the inspection or the full performance of his or her duties.

The City will not share information regarding the condition of the Building or Rental Dwelling Unit or its Owners or Tenants obtained through inspections conducted pursuant to this section with any current or former member of a non-law-enforcement agency (not including the Red Wing City Government, Red Wing City Attorney, or a court), or enable their discovery by such person or agency, unless such disclosure is required by law. Notwithstanding the foregoing, such disclosure may be permitted by law, share health and safety information regarding the conditions of the Building and Rental Dwelling Unit, and its Owners and tenants obtained through inspections conducted pursuant to this section with the Goodhue County public health division.

D. Inspection Not Required. Inspection for the issuance or renewal of a license may be waived by the City if the Owner of a Rental Dwelling Unit is the Red Wing Housing and Redevelopment Authority with inspections required by State or Federal regulations regarding inspectors that are at least as stringent as the inspection required under this section. For newly constructed or reconstructed Rental Dwelling Units, inspection for the issuance or renewal of a license may be waived by the City if the Owner proves that within the previous 36 months the Rental Dwelling Unit passed an inspection required by the City that is at least as stringent as the inspection required under this section. For newly constructed or reconstructed Rental Dwelling Units, the date from which the City issued a Temporary or Final Certificate of Occupancy (CO) shall establish the 36-month period. A CO issued after January 1, 2022 shall begin on the previous January 1, and a CO issued within six months prior to January 1 shall begin on the following January 1. The City has sole discretion to determine when an inspection is at least as stringent as the inspection required under this section. Inspections conducted as the result of a complaint made to the City may not be waived under this provision.

E. Application Contents. Owners of one or more Rental Dwelling Units who have not yet received an Operating License are responsible for applying with the City for an Operating License. An application (including a renewal application) must be submitted to the City on the form furnished by the City. Before any portion of a property is used as a Rental

Dwelling Unit, the Owner must first secure an Operating License. With the application, the Owner must supply the following information, and update such information within ten days of any change to ensure that it is accurate and current:

- 1. Name, address, telephone number, and e-mail address of Rental Dwelling Unit Owner, owning partners if a partnership (and indicate that it is a partnership), corporate officers if a corporation (and indicate that it is a corporation).
2. Name, address, telephone number, and e-mail address of designated Owner or Resident Agent, if any.
3. Name, address, and telephone number of vendor, if the Rental Dwelling Unit is being sold through a contract for deed.
4. Legal address of the Rental Dwelling Unit.
5. Number of Rental Dwelling Units within the Building, including unit size and number of bedrooms and number of bathrooms for each Rental Dwelling Unit.
6. At least one emergency telephone number.

F. Following Acquisition. An Owner must register a newly acquired Rental Dwelling Unit within ten days after acquiring it by applying for an Operating License.

G. Following Conversion. An Owner of an Owner-Occupied Dwelling or a Dwelling Unit that has been converted into a Rental Dwelling Unit must register the newly converted Rental Dwelling Unit within ten days after converting it by applying for an Operating License.

H. License Fees. License fees shall be filed with the application or renewal application. A license fee paid later than 30 business days after the pre-scheduled date is subject to an additional administrative fee as determined by the City Council. The license is not entitled to a refund of any license fee upon revocation or suspension, or transfer of ownership of the Rental Dwelling Unit. License fees shall be as established by the City Council.

I. Resident Agent Required. A license or permit may not be issued or renewed for a nonresident Owner of Rental Dwelling Units (who does not reside in any of the following Minnesota or Wisconsin counties: Goodhue, Dakota, Rice, Wabasha, Hennepin, Washington, Ramsey, Olmsted, Pierce, or St. Croix) unless such Owner designates in writing to the City enforcement officer the name, address, telephone number, and e-mail address of his or her Resident Agent (one who actually resides in one of the following Minnesota or Wisconsin counties: Goodhue, Dakota, Rice, Wabasha, Hennepin, Washington, Ramsey, Olmsted, Pierce, or St. Croix) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Code and to receive orders or process pursuant to law. The City enforcement officer must be notified in writing of any change of Resident Agent or Resident Agent address, telephone number, or e-mail address within 10 days of the change. This Resident Agent requirement may be waived if, in the absence of a license or permit determination, the Owner not living in one of the above specified counties is nonetheless sufficiently accessible for the purposes of the HMC.

J. Additional Requirements. The City may require educational training or participation in programs related to the license.

K. Posting of Permit or License. The current permit or license of a multiple unit Rental Dwelling Unit, or a legible copy thereof, must be conspicuously posted in the main entry way of the corresponding exterior location of the respective multiple unit Rental Dwelling Unit. In the case of one-family and two-family Rental Dwelling Units, a legible copy of the current permit or license must be given to the renter of each Rental Dwelling Unit.

L. License Not Transferable. A permit or license is not transferable to another person, entity, or to another Rental Dwelling. Every person or entity holding a permit or license must give notice in writing to the City enforcement officer within ten days after the permit or license is otherwise disposed of the legal control of any permitted or licensed Rental Dwelling. The notice must include the name, address, and telephone number of the person succeeding to the ownership or control of such Rental Dwelling(s). The person succeeding to the ownership or control of the Rental Dwelling(s) must obtain an Operating License in order to continue operating the Rental Dwelling(s).

M. Violation. Any person or entity that maintains, operates, lets, or causes to be let a Rental Dwelling Unit without having a valid permit or license, or permits new occupancy in violation of this subdivision, shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in amounts set in the City Fee Schedule. An administrative fee may be assessed pursuant to Subd. 4, paragraph F of this section. Upon the loss of an appeal or the failure to appeal an administrative fee within ten business days after receipt of the invoice documenting the administrative fee, the City may post the Rental Dwelling Unit for abatement. Thereafter, the Dwelling Unit may not be occupied by anyone other than the primary homeowner Owner and that person's immediate family (as defined in Subd. 3, paragraph B) until the administrative fee has been paid and (b) a rental license is obtained or the City is satisfied that the Dwelling Unit will not be used as a Rental Dwelling Unit. Each day of each violation that constitutes a separate offense.

Subd. 4. Administration and Enforcement.

A. Administration and Enforcement. The City enforcement officer and his or her agents administer and enforce the provisions of the HMC. The City may enforce the standards of the HMC through the license programs set forth in Subd. 3 and, where appropriate, through the powers set forth below.

- B. Authority. In the absence of a timely appeal under Subd. 4, paragraph F or any other applicable provision of law, the City enforcement officer is the final authority in the determination of a violation under the HMC, with the exception of permit or license denials, renewals, suspensions, and revocations. The City Council is the final authority with regard to permit or license denials, renewals, suspensions, and revocations.
C. Compliance Order. Whenever a City enforcement officer determines that any Rental Dwelling Unit, or the Premises surrounding any of these, fails to meet the provisions of the HMC, the City enforcement officer may issue a compliance order setting forth the violations of the HMC and ordering the Owner, Occupant, or Operator or Resident Agent to correct such violations. The compliance order must:

- 1. Be in writing;
2. Describe the location and nature of the violations of the HMC;
3. Establish a reasonable time, not to exceed 45 days and any extensions granted by the City (the total time period allowed may not exceed 90 days), for the correction of such violations, except as outlined below;
(a) When a violation of the HMC constitutes an imminent peril to life, health, or property, an immediate and cease time or the correction of the violation constitutes a "reasonable time" for correction for purposes of this paragraph 3. When this is the case, no stay of proceedings or furtherance of action will be granted on appeal.
(b) A reasonable time may be longer than 90 days if correction is not possible because of prevailing weather conditions or other unusual circumstances;

4. Include information regarding the Owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to Section 4.04, Subd. 4, paragraph F.
5. State that if the violations are not corrected within the time set in the compliance order, the license or permit may be suspended or revoked, the Operating License may not be renewed, or the necessary work may be performed by the City at the expense of the Owner and if the Owner does not pay for the expense, the cost of the work will be assessed against the property; and
6. Be served on the Owner or his Operator or Resident Agent or the Occupant, as the case may require. Such notice shall be deemed to be properly served on such Owner or Operator or Resident Agent, or on any such Occupant, if a copy thereof is:

- (a) Served personally; or
(b) Deposited in the U.S. Post Office addressed to his or her last known address with postage prepaid; and
(c) In addition to paragraphs (a) or (b), the notice may be posted at a conspicuous place on or about the Rental Dwelling Unit, or on the Premises which is affected by the notice.

D. Emergency Cases. For purposes of paragraph C(5) above, situations which constitute an imminent peril to life, health, or property include, but are not limited to the following:

- 1. Heating systems that are Unsafe as defined in Section 4.03, Subd. 4 due to having burned out or rusted out heat exchangers (fire box); having burned out or plugged flues; not being vented; being connected with unsafe gas supplies, or being incapable of adequately heating the living space.
2. Water heaters that are Unsafe as defined in Section 4.03, Subd. 4 due to having burned out or rusted out heat exchangers (fire box); having burned out, rusted out, or plugged flues; not being properly vented; being connected with unsafe gas supplies, or lacking temperature and pressure relief valves.
3. Electrical systems that are Unsafe as defined in Section 4.03, Subd. 4 due to: dangerous overloading; damaged or deteriorated equipment; improperly tagged or spliced wiring; improper or overloaded fuses; exposed uninsulated wires; unsecured electrical terminals of extension cords or other temporary methods; ungrounded appliances located in a hazardous condition.
4. Plumbing systems that are not Sanitary due to:

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

ss.

COUNTY OF GOODHUE

Elisabeth Beam, being first duly sworn, on oath states as follows: 1. I am the publisher of the *Republican Eagle*, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: ***Saturday, August 28, 2021.***

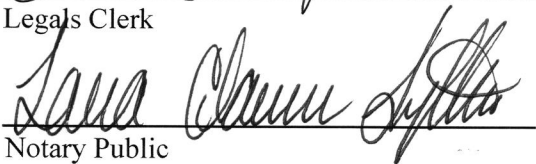
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: *\$13.80 per column inch.*

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Goodhue County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

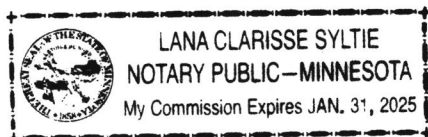
Dated this 28th day of August, 2021.



Legal's Clerk



Notary Public



- (a) leaking waste systems fixtures and traps;
 - (b) lack of a water closet (toilet);
 - (c) lack of washing and bathing facilities; or
 - (d) cross connection of a pure water supply with fixtures or sewage lines.
5. Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems that are Unsafe as defined in Section 4.03, Subd. 4.
6. Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, and other materials that are not Sanitary.
7. Infestation of rodents, insects, and other vermin.
- E. Follow-up Inspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the City enforcement officer shall make a follow-up inspection of the Rental Dwelling Unit and/or its Premises to determine whether corrective actions have been sufficient to bring the violation(s) into compliance.
1. If the Rental Dwelling Unit and its Premises are in compliance with the requirements of this section at the time of the follow-up inspection as determined by the City enforcement officer, a license may be issued in accordance with the requirements of Section 4.04.
 2. If the City enforcement officer determines that the violation(s) has not been corrected and the Rental Dwelling Unit(s) has not been vacated, the City enforcement officer may recommend that the City Council suspend or revoke any existing permit or license or not renew any existing Operating License, and the City Council may suspend or revoke said permit or license or decline to renew said Operating License. The City enforcement officer also may issue a citation, pursuant to Section 1.12, Subd. 2, or may file a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the ordinance section(s) violated. The City may also take action to correct violations under the provisions of Section 4.04, Subd. 4, paragraph G.
- F. Appeal of Compliance Order.
1. Right of Appeal. Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten business days after service of the compliance order. If an appeal is not filed within the time-limits and in the manner specified herein, the City enforcement officer's decision shall be final. The filing fee is set by City Code Section 6.04 and Council resolution pursuant to that section. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety.
 2. City Council Decision. Upon at least five business days' notice to the appellant of the time and place for hearing the appeal, and within 30 days after said appeal is filed, the City Council or the individual or committee designated by the Council as the appeal body, must hold a hearing thereon, at which there will be a presentation of evidence by the City or its representative to support the compliance order and the appellant and their representative may appear and present evidence as to why the compliance order, or any portion thereof, should not be issued. If an individual or committee other than the City Council hears the appeal, it shall make a recommendation to the City Council. The City Council shall issue a written decision on the appeal. The City Council may reverse, modify, or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council or appeal committee or individual may postpone a hearing and hold the hearing at a later date, not to exceed 60 days after the appeal is filed, for good cause.
- G. Execution of Compliance Orders by Public Authority. Upon the failure to comply with a compliance order within the time set therein, the Rental Dwelling Unit(s) not being vacated, and no appeal having been taken or an appeal having been lost, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the City enforcement officer to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property Owner with

advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.

H. Penalties. Any person who fails to comply with a compliance order within the time limits specified therein shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or, in severe cases, imprisonment as prescribed by state law. Each day of such failure to comply constitutes a separate offense.

I. Permit or License Denial, Nonrenewal, Suspension, and Revocation

1. Generally. In the event that a license is denied by the City Council, or a license or permit is suspended or revoked by the City Council, or an Operating License expires without renewal, it is unlawful for the Owner or his duly authorized Operator or Resident Agent to thereafter permit any new occupancy of vacant or thereafter vacated Rental Dwelling Units until such time as a valid license or permit may be obtained or restored by the City Council.

2. Denial or Nonrenewal. A City enforcement officer may recommend denial of a license to the City Council or nonrenewal of an Operating License to the City Council. A denial of a license or nonrenewal of an Operating License does not prevent an Owner from applying or reapplying for a license for that same Rental Dwelling Unit. A denial or nonrenewal may, however, state conditions of reapplication. The process for denial of a license or nonrenewal of an Operating License based on an outdated, incomplete, or inaccurate application is to inform the Owner of the issue and to provide the Owner with a reasonable opportunity to submit a current, complete, and accurate application.

3. Suspension or Revocation. A City enforcement officer may recommend suspension or revocation of a permit or license to the City Council. At any time during a permitting or licensing period, if a Rental Dwelling Unit does not comply with the requirements of this section, the permit or license may be brought forth to the City Council for consideration of suspension or revocation.

(a) Licenses and permits may be suspended for up to 90 calendar days. After the period of suspension, a license or permit may be reinstated or issued by the City Council subject to compliance with this section and all conditions imposed by the City Council at the time of suspension. After a suspension, the Owner may pay a follow-up inspection fee and request a follow-up inspection and reinstatement or issuance of a license or permit. If, after the follow-up inspection, the City Council determines that the violation(s) has been corrected and the Rental Dwelling Unit(s) and its Premises comply with the HMC, the license or permit may be reinstated or issued. Fees for a follow-up inspection may apply as outlined in the City Fee Schedule.

(b) Licenses that are revoked will not be reinstated until the Owner has applied for and secured a new license consistent with this section and has complied with all conditions imposed at the time of revocation. Permits that are revoked may be reinstated by the City Council subject to compliance with this section and all conditions imposed by the City Council at the time of revocation. Upon a decision to revoke, no approval for any license or permit for the same Rental Dwelling Unit will be effective until after the period of time specified in the City Council's revocation, which shall not exceed one year. The City Council shall specify in its revocation the date when an application for a new license will be accepted for processing or a permit may be issued.

4. Grounds. The City Council may deny any license, suspend or revoke any permit or license, or decline to renew any Operating License upon any of the following grounds. The following list is not exhaustive or exclusive:

(a) Failure to provide a current, complete, and accurate application. Failure to provide updated application information during the permit or license period.

(b) False statements, misrepresentations, or fraudulent statements on any application or other document required by this section to be given by the applicant, permittee, or licensee.

(c) Failure to pay any fees or penalties required by this section or Council resolution.

(d) Failure to pay any delinquent real estate taxes, property taxes, assessments, or utility charges owed to the City; any outstanding fees, fines, or penalties owed to the City; and any other financial claims due to the City as required by the City Code or Council resolution.

(e) Leasing Rental Dwelling Units without a valid Temporary Permit, Temporary License, or Operating License or leasing Rental Dwelling Units that have suspended or revoked licenses or permits.

(f) Failure of a Rental Dwelling Unit or its Premises to comply with the provisions of the HMC, the City Code, and the laws of the State of Minnesota or failure to operate, let, cause to be let, or maintain a Rental Dwelling Unit and its Premises consistent with the provisions of the HMC, the City Code, and the laws of the State of Minnesota.

(g) Failure to correct violations of the HMC in the time period specified in the compliance order.

(h) Failure to continuously comply with any condition required of the applicant, permittee, or licensee for the approval or maintenance of a permit or license.

(i) Failure to eliminate imminent perils to life, health, or property as determined by the City, leasing Rental Dwelling Units that are deemed hazardous or unsafe, or leasing Rental Dwelling Units within a Building that is deemed hazardous or unsafe.

(j) Any other violation of this section.

5. Written Notice. Prior to a denial, nonrenewal, suspension, or revocation by the City Council, the City enforcement officer shall send written notice to the Owner specifying the grounds upon which the proposed denial, nonrenewal, suspension, or revocation is based; the facts supporting those grounds; the Code or law violations with which the Owner is accused; and the affected Rental Dwelling Unit. The notice shall also specify that the proposed denial, nonrenewal, suspension, or revocation will be considered at an upcoming hearing; the place, time, and date for the hearing before the City Council or the individual or committee designated by the Council as the hearing body, which shall be not less than ten days from the date of the notice; and specify the Owner's right to be present and represented by counsel. The written notice shall be served as provided in Subd. 4, paragraph C(6).

6. Hearing. At the hearing before the City Council or the individual or committee designated by the Council as the hearing body, there will be a presentation of evidence by the City or its representative to support the proposed denial, nonrenewal, suspension, or revocation. This includes presenting evidence through witnesses and confronting and cross-examining opposing witnesses. The Owner or their representative will be given an opportunity to respond to the proposed denial, nonrenewal, suspension, or revocation and may submit and present evidence on the Owner's behalf. This includes presenting evidence through witnesses and confronting and cross-examining opposing witnesses. If an individual or committee hears the matter, it shall make a recommendation to the City Council. The City Council shall issue a written decision on the matter, including the reasons for its decision, based on the evidence adduced at the hearing. The Council may reverse, modify, or affirm, in whole or in part, the proposed denial, nonrenewal, suspension, or revocation. The Council, hearing committee, or individual may postpone a hearing and hold the hearing at a later date, not to exceed 60 days after the scheduled hearing date, for good cause.

J. No Warranty by City. By enacting and undertaking to enforce the HMC, neither the City nor its Council, agents or employees warrant or guarantee the safety, fitness or suitability of any Rental Dwelling Unit in the City. Owners and Tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the permit and license.

Section 2. Effective Date: This Ordinance is effective 14 days following the publication of the ordinance in accordance with the City Charter.

Introduced the 26th day of July 2021

Adopted this 9th August 2021

/s/ Becky Norton, Council President

ATTEST:

/s/ Teri L. Swanson, City Clerk
(seal)

Presented to the Mayor at 10:00 a.m. on this 10th day of August 2021.

Approved this 10th day of August 2021.

/s/ Michael Wilson, Mayor