

BROOKLYN CENTER CITY ORDINANCES

CHAPTER 12

BUILDING MAINTENANCE AND OCCUPANCY

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12-101 Purpose The purpose of this Chapter is to protect the public health, safety, and the general welfare of the people of the City. These general objectives include, among others, the following:

- 1) To protect the character and stability of all buildings and property within the City.
- 2) To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying buildings within Brooklyn Center.
- 3) To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
- 4) To provide minimum standards for light and ventilation, necessary to health and safety.
- 5) To prevent the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.
- 6) To provide minimum standards for the maintenance of existing buildings, and to thus prevent slums and blight.
- 7) To preserve the value of land and buildings throughout the City.

With respect to rental disputes, and except as otherwise specifically provided by the terms of this Chapter, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord that are not specifically and clearly relevant to the provisions of this Chapter. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. Neither in enacting this Chapter is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

12-102 Applicability Of Ordinance Every building, as well as its premises, and all occupied premises within Brooklyn Center shall conform to the requirements of this Chapter, irrespective of when such building may have been constructed, altered, or repaired.

12-201 Definitions The following definitions shall apply in the interpretation and enforcement of this Chapter where not otherwise defined within a Section:

1 Approved - acceptable to the jurisdiction having authority and meeting all applicable Codes.

2 Accessory Structure - a structure subordinate to the main or principal building that is not used nor authorized to be used for living or sleeping by human occupants and that is located on or partially on the premises.

3 Building - any structure used or intended for supporting or sheltering any use or occupancy.

3a Child - any person under the age of eighteen (18).

3b Child Care Facility - a facility licensed by the Minnesota Department of Human Services to provide child care for six or more children at one time. This term also includes, but is not limited to, facilities having programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers, cooperative day care centers and Head Start programs.

4a Compliance Official - the City Manager and the Manager's designated agents authorized to administer and enforce this Chapter.

4a1 Designated Predatory Offender - any person who has been categorized as a Level III predatory offender under Minnesota Statutes, Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

4b Disorderly Activities - any activities listed in Section 12-911.

5 Dwelling - a building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two- family dwellings, and multiple family dwellings; but not including hotels and motels.

6 Dwelling Unit - a single residential accommodation that is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

7 Family - any of the following definitions shall apply: Persons related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit; Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency; A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

8 Flush Water Closet - an approved toilet, with a bowl and trap made in one piece that is connected to the City water and sewer system or other approved water supply and sewer system.

9 Garbage - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

10 Habitable Building - any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

11 Habitable Room - a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

12 Heated Water - water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

13 Kitchen - a space that contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

14 Multiple Family Dwelling - a dwelling or portion thereof containing three or more dwelling units.

15 Nonresidential Building - all buildings or structures other than dwellings or dwelling units.

16 Occupant - any person (including owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit, or premise.

17 Operator - the owner or agent who has charge, care, control, or management of a building or part thereof.

18 Owner - a person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

18a Permanent Residence - a place where a person abides, lodges, or resides for 14 or more consecutive days.

19 Permissible Occupant Load - the maximum number of persons permitted to occupy a building or space within a building.

20 Person - an individual, firm, partnership, association, corporation or joint venture or organization of any kind.

21 Plumbing - all of the following supplied facilities and equipment in a building: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

22 Premises - a platted lot or part thereof or unplatted parcel of land, either unoccupied or occupied by any structure thereon.

23 Public Corridor - a hall, corridor or passageway for providing egress from an occupied area to a public way and not within the exclusive control of one occupant.

23a Public Playground - an area designated primarily for children's play including a school building playground, a child care building playground, a play area of a public park, or an area that contains permanent play equipment.

24 Refuse - all putrescible and nonputrescible waste solids including garbage and rubbish.

25 Reinspection - a follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner, or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.

26 Rental Dwelling - the term "rental dwelling" means any occupied dwelling or dwelling unit that is not occupied by the owner of record regardless of compensation. The term includes any dwelling or dwelling unit occupied by a relative of the owner.

27 Repair - to restore to a sound and acceptable state of operation, serviceability or appearance.

28 Rodent Harborage - any place where rodents can live, nest, or seek shelter.

29 Rooming Unit - any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

30 Rubbish - nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery and similar materials.

31 Safety - the condition of being reasonably free from danger and hazards that may cause accidents or disease.

31a School - any public or nonpublic elementary school, middle school, or secondary school as those terms are defined in Minnesota Statutes, Section 120A.05.

32 Single Family Attached - includes a townhome, rowhouse, duplex, or similar dwelling unit.

33 Structure - that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

34 Substandard Dwelling - any dwelling that does not conform to the minimum standards established by City Ordinances.

35 Supplied - paid for, furnished by, provided by or under the control of the owner, operator, or agent of a building. 35a. Temporary Residence - a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

36 Tenant - any person occupying any dwelling or having possession of a space within a dwelling who has the legal right to occupy the dwelling unit, where a legal owner does not reside.

37 Meaning of Certain Words - whenever the words "dwelling", "dwelling unit", "premises", "building", or "structure" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

12-301 Responsibilities Of Owners And Occupants No owner or other person shall occupy or let another person occupy any building, unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Minnesota and the City of Brooklyn Center, including the following requirements.

12-302 Maintenance Of Shared Or Public Areas Every owner of a building shall maintain in a clean, sanitary and safe condition, the shared or public areas of the building and premises thereof.

12-303 Maintenance Of Occupied Areas All occupants of a building, shall maintain in a clean, sanitary and safe condition that part or those parts of the building, and premises thereof that she/he occupies and controls.

12-304 Storage And Disposal Of Rubbish All occupants of a building, shall store and dispose of all their rubbish in a clean, sanitary, and safe manner as prescribed by Chapter 7 of the City Code of Ordinances.

12-305 Storage And Disposal Of Garbage All occupants of a building, shall store and dispose of all their garbage and any other organic waste that might provide food for insects and/or rodents in a clean, sanitary, and safe manner as prescribed by Chapter 7 of the City Code of Ordinances.

12-306 RESPONSIBILITY FOR STORAGE AND DISPOSAL OF GARBAGE, RUBBISH, AND RECYCLABLE MATERIALS Every owner of a multiple family dwelling or nonresidential building shall supply facilities for the sanitary and safe storage and disposal of rubbish and garbage. In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities. Every owner of a multifamily dwelling containing more than eight units must comply with the requirements of Section 7-113 of the City Code of Ordinances.

12-307 RESPONSIBILITY FOR STORM AND SCREEN DOORS AND WINDOWS. The owner of a rental dwelling unit shall be responsible for providing and hanging required under the provisions of this Chapter, except where there is written agreement otherwise between the owner and occupant.

12-308 Responsibility For Pest Extermination Every occupant of a dwelling containing a single dwelling unit or an occupant of a nonresidential building containing a single unit shall be responsible for the extermination of vermin

infestations and/or rodents on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit or an occupant of a nonresidential building containing more than one unit shall be responsible for such extermination whenever their unit is the only one infested. However, whenever infestation is caused by the failure of the owner to maintain a building in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the units in any building, extermination thereof shall be the responsibility of the owner. Whenever extermination is the responsibility of the owner, the extermination must be performed by a licensed pest control contractor.

12-309. RODENT HARBORAGES PROHIBITED IN OCCUPIED AREAS. No occupant of a building shall accumulate boxes, lumber, scrap metal, or any other similar materials in a manner that may provide a rodent harborage in or about any dwelling unit or building. Stored materials shall be stacked neatly.

12-310 Rodent Harborage Prohibited In Public Areas No owner of a building shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in a manner that may provide a rodent harborage in or about shared or public areas of a building or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly.

12-311 Prevention Of Food For Rodents No owner or occupant of a building shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

12-312 SANITARY MAINTENANCE OF FIXTURES AND FACILITIES Every occupant of a building shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

12-313 Minimum Heating Capability And Maintenance In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68 degrees Fahrenheit, or such lesser temperature required by government authority, shall be maintained at a distance of three feet above the floor and three feet from exterior walls in all habitable rooms, bathrooms, and water closet compartments from September through May. Nonresidential buildings shall meet State of Minnesota regulations and statute requirements.

12-314 Removal Of Snow And Ice Every occupant of a dwelling containing a single dwelling unit, and the owner of a multiple family dwelling or a nonresidential building shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall. Individual snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch, shall be removed from steps and walkways within eight hours after cessation of the snowfall.

12-315 Minimum Exterior Lighting The owner of a building shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.

12-316 Maintenance Of Driving And Parking Areas The owner of a building shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants consistent with Chapter 35 of the City Code of Ordinances.

12-317 Maintenance Of Yards The owner of a building shall be responsible for providing and maintaining premises' yards consistent with Section 12-711.

12-401 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES No person shall occupy as owner, occupant, or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking, and eating therein, that does not comply with the following requirements.

12-402 Kitchen Facilities Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which shall have adequate circulation area, and that shall be equipped with the following:

- 1) An approved kitchen sink that is in good working condition and properly connected to an approved water supply system and that provides at all times an adequate amount of heated and unheated running water under pressure, and that is connected to an approved sewer system.
- 2) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment, and utensils and of food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

3) A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at or below 40 degrees Fahrenheit, that are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided that such stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

12-403 Toilet Facilities Within every dwelling unit there shall be a nonhabitable room that is equipped with an approved flush water closet in good working condition. In a rental dwelling unit, such room shall have an entrance door that affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system.

12-404 Lavatory Sink Within every dwelling unit there shall be an approved lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.

12-405 Bathtub Or Shower Within every dwelling unit there shall be a nonhabitable room that is equipped with an approved bathtub or shower in good working condition. In a rental dwelling unit, such room shall have an entrance door that affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

12-406 STAIRWAYS, PORCHES AND BALCONIES Every stairway, inside or outside of a dwelling and every porch or balcony, shall be kept in safe condition and sound repair. Stairs and handrails shall conform to the Uniform Building Code standards. Every deck, porch and balcony that is 30 inches or more above grade shall have a guardrail that conforms to the Uniform Building Code standards. Every handrail and guardrail shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs shall have rotting, loose, or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be uniform in width and height. Stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

12-407 Access To Dwelling Unit Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

12-408 Door Locks No owner shall occupy nor let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices. Multiple family dwellings shall be furnished with door locks as follows:

- 1) For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings constructed after May 5, 1969, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of types that are permanently locked from the outside and permanently unlocked from the inside.
- 2) Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure, provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.

12-501 Minimum Standards For Light And Ventilation No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, that does not comply with the following requirements.

12-502 Habitable Room Light And Ventilation Except where there is supplied some other device affording adequate ventilation and approved by the Compliance Official, every habitable room shall have at least one window facing directly outdoors that can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of 10% of the floor area of the room or ten square feet. One half of the required window area shall be openable.

12-503 Nonhabitable Room Ventilation Every bathroom and water closet compartment, and every laundry and utility room shall contain at least 50% of the ventilation requirement for habitable rooms contained in Section 12-502, except that no windows shall be required if such rooms are equipped with a ventilation system that is approved by the Compliance Official. Section 12-504. ELECTRIC SERVICE, OUTLETS AND FIXTURES. Every dwelling unit and all public and common areas shall be supplied with electric service, functioning overcurrent protection devices, electric outlets, and

electric fixtures that are properly installed, maintained in good and safe working conditions, and connected to a source of electric power in a manner prescribed by the Ordinances, rules and regulations of the City of Brooklyn Center and by the laws of the State of Minnesota. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

- 1) Dwellings containing one or two dwelling units shall have at least the equivalent of 60-ampere, three-wire electric service per dwelling unit.
- 2) Dwelling units shall have at least one branch electric circuit for each 600 square feet of dwelling unit floor area.
- 3) Every habitable room shall have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of total floor area, and in no case less than two such electric outlets provided, however, that one ceiling or wall-type light fixture may be supplied in lieu of one required electric outlet.
- 4) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture and every bathroom, kitchen, and laundry room shall contain at least one electric convenience outlet.
- 5) Every public corridor and stairway in every multiple family dwelling shall be adequately lighted by natural or electric light at all times at one foot candle at floor level, so as to provide effective illumination in all parts thereof. Every public corridor and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system that may be turned on when needed, instead of full-time lighting.
- 6) A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the point of entrance to such unit.

12-601 Minimum Thermal Standards No person shall occupy as owner, or occupant, or let to another for occupancy, any building or portion thereof, that does not have heating facilities that are properly installed, and that are maintained in safe and good working condition, and that are capable of safely and adequately heating all habitable rooms, bathroom, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit, or such lesser temperature required by government authority, at a distance of three feet above floor level and three feet from exterior walls. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this Section and is prohibited. No owner or occupant shall install, operate or use a space heater employing a flame that is not vented outside the structure in an approved manner.

12-701 General Requirements No person shall occupy as owner, or occupant, or let to another for occupancy, any building or portion thereof that does not comply with the following requirements, unless specifically exempt.

12-702 FOUNDATIONS, EXTERIOR WALLS AND ROOFS. The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition that might admit rain or dampness to the interior portion of the walls or to the exterior spaces of the building. The roof shall be tight and have no defects that admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or determined by the Compliance Official to be paint blistered, the surface shall be painted. If the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

12-703 WINDOWS, DOORS AND SCREENS Every window, exterior door, and other exterior openings shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin and rodents from entering the building. Every openable window shall be supplied with 16-mesh screens during the insect season, and shall be equipped with an approved lock if located less than six feet above adjacent grade.

12-704 FLOORS, INTERIOR WALLS AND CEILINGS Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of holes and large cracks and loose plaster and shall be maintained in a tight, weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be used. The floor of every toilet room, bathroom, and kitchen shall have a smooth, hard, nonabsorbent surface and shall be capable of being easily maintained in a clean and sanitary condition.

12-705 Rodent Proof Every structure and the premises upon which it is located shall be maintained in a rodent-free and rodent-proof condition. All openings in the exterior walls, foundations, basements, ground or first floors, and roofs that

have a 1/2" diameter or larger opening shall be rodent-proofed in an approved manner. Interior floors or basements, cellars and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.

12-706 Fence Maintenance All fences shall consist of metal, wood, masonry, or other decay resistant material. Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. Paint shall be maintained consistent with Section 12-702.

12-707 Accessory Structure Maintenance Accessory structures or buildings shall be structurally sound and maintained in good repair and appearance. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives. Paint shall be maintained consistent with Section 12-702.

12-708 Safe Building Elements Every foundation, roof, floor, exterior and interior wall, ceilings, inside and outside stair, every porch and balcony, and every appurtenance thereto, shall be safe to use and capable of supporting loads required by the occupancy.

12-709 Facilities To Function Every supplied facility, piece of equipment or utility required under the City Code of Ordinances and every chimney and flue shall be installed and maintained and shall function effectively in a safe, sound, and working condition.

12-710 Grading And Drainage During the period May through October every yard, court, passageway, and other portions of the premises on which a building stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.

12-711 Yard Cover Every yard of a premises on which a building stands shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and related decorative materials and such yard shall be maintained consistent with prevailing community standards. Nonresidential sites shall be maintained in accordance with an approved City landscape plan and shall be supplied with an irrigation system.

12-712 Discontinuance Of Service Or Facilities No owner, operator, or occupant shall cause any service, facility, equipment or utility that is required under this Chapter, to be removed from or shut off from or discontinued for any occupied building or portion thereof, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

12-713 Screening All outside trash disposal facilities, recycling containers, and outside or rooftop mechanical equipment shall be screened from view by an opaque fence or wall high enough to completely screen the equipment.

12-801 MAXIMUM DENSITY, MINIMUM SPACE, USE AND LOCATION REQUIREMENTS No person shall occupy nor permit or let to be occupied any dwelling or dwelling unit for the purpose of living therein, that does not comply with the following requirements.

12-802 Permissible Occupancy Of Dwelling Unit With the exception of owners occupying a dwelling unit prior to June 1, 1975, the maximum permissible occupancy of any dwelling unit shall be determined as follows:

- 1) For the first occupant, 150 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
- 2) In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.

12-803 One Family Per Dwelling Unit Not more than one family, except for temporary guests, shall occupy a dwelling unit.

12-804 Minimum Ceiling Height In order to qualify as habitable, rooms shall have a clear ceiling height of not less than seven feet, six inches, except that in attics or top- half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven feet six inches over at least one-half of the floor area. In calculating the floor area of such rooms in attics or top-half stories, only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

12-805 Access Through Sleeping Rooms And Bathrooms No dwelling unit built after 1940 and containing two or more sleeping rooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be gained only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be gained only by going through another sleeping

room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of any dwelling unit.

12-900 Purpose It is the purpose of this Chapter to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children.

12-901 LICENSING OF RENTAL UNITS.

1) License Required.

a) No person shall operate a rental dwelling without first having obtained a license to do so from the City of Brooklyn Center. A license will be granted as Type I, Type II, Type III, or Type IV Provisional based on criteria recommended by the City Manager and approved by the City Council.

b) Exceptions. No license shall be required under the following circumstances:

- 1)** A single family dwelling or a dwelling unit in a duplex occupied by the building owner for a minimum of six months per calendar year.
- 2)** Rented rooms within an owner occupied dwelling unit.
- 3)** A residential property owned by a "snowbird" where the property is rented to another person for a period of less than 120 consecutive days while the owner is residing out of the State of Minnesota. The owner must occupy the property during the remainder of the year.
- 4)** Unoccupied dwelling units that have been issued a Vacant Building Registration.

2) License Term Licenses will be issued for a time period according to the license type as indicated in Diagram I. All licenses may be reviewed at any time after the beginning of the license term to determine whether the property continues to have the appropriate Type license. Diagram I Licensing Category

Licensing Period Minimum Inspection Frequency Crime Free Housing Plans Type I 3 Year 1 time in 3 years, upon request, or as needed as determined by City Phase I Recommended Type II 2 Year 1 time in 2 years, upon request, or as needed as determined by City Phase I Required Type III 1 year 1 time per year, upon request, or as needed as determined by City Phase I, II Required Action Plan Required Type IV Provisional 6 months Every 6 months, upon request, or as needed by City, or as otherwise specified by Mitigation Plan Phase I, II, and III Required Mitigation Plan Required

3) New Licenses Properties that have legally not been required to have a rental license due to new construction or a change from owner-occupied to rental will qualify for a Type II License. Properties found operating without a valid rental license from the City or failing to meet City Code requirements or that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this Chapter, will only qualify for a Type III License.

4) License Renewals All rental properties are subject to review and may be required to apply and qualify for a different license Type based on the level of compliance with City Codes and applicable regulations.

5) Failure to Meet License Category Requirements At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license Type, the license may be brought forth to the City Council for consideration of license suspension, revocation, and/or license Type review.

6) Type IV Provisional Licenses Rental properties under Type IV Provisional Licensing must meet the requirements set forth in Section 12-913.

7) License Category Criteria License type will be determined on the basis of established criteria based on Police incidents and property Code and nuisance violations as recommended by the City Manager and approved by the City Council.

a) Police Incidents Frequency of police calls will be based on the average number of valid police calls per unit. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911 and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson. Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

b) Property Code and Nuisance Violations Standards for property maintenance will be based on compliance with City and other applicable Codes as determined through inspections and investigations.

8) License Process and Renewal

a) License renewals shall be filed at least 90 days prior to the license expiration date. Within two weeks of receipt of a complete application and of the license fee required by Section 12-902, the Compliance Official shall schedule an inspection.

b) No application for an initial license shall be submitted to the City Council until the Compliance Official has determined that all life, health safety violations, or discrepancies have been corrected. In cases where a weather deferral for repairs has been granted by the Compliance Official, the license may be brought forward for consideration of granting a license conditioned on completing repairs.

c) Incomplete Applications or Process. If the license application is incomplete, or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.

9) Condition of License Licensees with three or more units must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the City on the licensed property and any other rental real property in the City owned by the license holder at all times. Licensees with less than three units must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the City on the licensed property and any other rental real property in the City owned by the license holder prior to issuance or renewal of a license. In the event a suit has been commenced under Minnesota Statutes, Section 278.01-278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof that remain unpaid for a period exceeding one (1) year after becoming due.

12-902 License Fees License fees, as set forth by City Council resolution, shall be due 90 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees shall be due at the time of application.

1) Residential Rental Conversion Fee When a residential single family home or single family attached property is converted to a rental property, the owner or applicant shall pay a conversion fee as established by City Council resolution. The rental conversion fee also applies to residential properties registered as vacant properties.

2) License Fees, Delinquent Payments A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged operators of rental dwellings. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension or if the applicant withdraws an application, or in the case of an incomplete application or process, or if an application is canceled, the fee is nonrefundable.

3) Reinspection Fees All reinspection fees are set by City Council resolution. If the reinspection is being performed as part of the licensing process, fees must be paid prior to the time of license issuance or renewal for the property, in the case of rental housing and at the time of recertification of occupancy for nonresidential properties. If a reinspection fee or any portion is not paid within 60 days after billing, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in Section 19-105 of this Code.

12-903 Owner Or Agent To Apply License application or renewal shall be made by the owner of rental units or the owner's legally constituted agent. Application forms may be acquired from and subsequently filed with the Compliance Official. The applicant shall supply:

- 1)** First, middle (if any), and last name, address, date of birth, telephone number and e-mail address of dwelling owner, owning partners if a partnership, corporate officers if a corporation.
- 2)** Name, address, telephone number, and e-mail address of designated local agent, if any.
- 3)** Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.
- 4)** Legal address of the dwelling.
- 5)** Number of dwelling units within the dwelling.
- 6)** Description of procedure through which tenant inquiries and complaints are to be processed.
- 7)** Status of utility fees, property taxes, and other assessments on the dwelling and other rental real property in the city owned by the applicant.
- 8)** The number of tenants.
- 9)** The legal name of the designated local agent.
- 10)** At least one 24-hour property contact information for an available property owner, local agent, or other designated responsible agent.
- 11)** Any other information as requested by the City. Every person holding an operating license shall give notice in writing to the Compliance Official within ten business days after any change of this information. Depending on the

nature of changes, the City may require a new property inspection. Notice of transfer of ownership shall be as described in Section 12-908.

12-904 LOCAL AGENT REQUIRED.

1) Local Agent No operating license shall be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) unless such owner designates in writing to the Compliance Official the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) 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 of Ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The Compliance Official shall be notified in writing of any change of resident agent.

2) Responsibility for Acts of Manager, Operator, or Local Agent Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

12-905 Conformance To Laws No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the Code of Ordinances of Brooklyn Center and the laws of the State of Minnesota.

12-906 License Inspection Required No operating license shall be issued or renewed unless the owner of rental units agrees in his application to permit inspections pursuant to Section 12-1001.

12-907 Posting Of License Every licensee of a rental dwelling with more than four units shall conspicuously post the current license certificate in the main entryway or other conspicuous location. For rental dwellings of four or fewer units, the licensee must provide a copy of the license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.

12-908 License Not Transferable No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Compliance Official within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings.

12-909 OCCUPANCY REGISTER REQUIRED.

1) Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:

- a)** Dwelling unit address.
- b)** Number of bedrooms in dwelling unit and the maximum number of occupants.
- c)** Legal names and date of birth of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
- d)** Dates renters occupied and vacated dwelling units.
- e)** A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Code of Ordinances.
- f)** A similar chronological list of all corrections made in response to such requests and complaints. Such register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

2) All nonresidential properties (commercial, industrial, and similar) shall keep, or cause to be kept, a current register of occupancy for each building that provides the following:

- a)** Building address.
- b)** List of all tenants occupying building.
- c)** Nature of business conducted by each tenant in building.
- d)** Contact person for each tenant.
- e)** Gross floor area leased by each tenant.

Such register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

12-910 LICENSE SUSPENSION, REVOCATION, DENIAL AND NON- RENEWAL.

1) Applicability Every license issued under the provisions of this Chapter is subject to suspension or revocation by the City Council.

2) Unoccupied or Vacated Rental Units In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.

3) Grounds for License Action The Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:

- a)** false statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
- b)** failure to pay any application fee, fine or penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
- c)** failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in Compliance Notices in the time specified in the notice.
- d)** failure to comply with the provisions of an approved mitigation plan or not submitting an action plan as required.
- e)** failure to qualify for the type of license held or applied for.
- f)** excessive police calls for service in accordance with criteria determined by the City Manager and approved by the City Council, based on the number and nature of the calls when, after owner notification, the owner has failed to supply an appropriate written action plan to reduce the police calls for service
- g)** failure to actively pursue the eviction of tenants who have violated the provision of this Chapter or Crime Free Lease Addendum or have otherwise created a public nuisance in violation of City, state, or applicable laws.
- h)** the failure to eliminate imminent health and life safety hazards as determined by the City, or its authorized representatives.
- i)** conviction of any crime related to the business or entity licensed and failure to show by competent evidence the rehabilitation and ability to perform the duties of the business.
- j)** the abandonment of the property by the property owner as determined by the inability to make contact with the owner or his/her manager or local agent due to inaccurate or invalid contact information.
- k)** failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and Ordinances.

4) License Action Sections Revocation, suspension, and non-renewal may be brought under either this Section or Section 12-911, or both.

5) Notification, Hearing, and Decision Basis.

a) Written Notice, Hearing A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.

b) Decision Basis The Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend or revoke a license only upon written findings.

6) Affected Facility The Council may suspend or revoke a license or not renew a license for part or all of a facility.

7) License Actions, Reapplication.

a) Suspension Licenses may be suspended for up to ninety (90) days and may, after the period of suspension, be reinstated subject to compliance with this Chapter and any conditions imposed by the City Council at the time of suspension.

b) Revocation, Denial, Nonrenewal Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the Council's written decision, which shall not exceed one year. The Council shall specify in its written decision the date when an application for a new license will be accepted for processing. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an initial application for a new facility will not take the form of a suspension or revocation unless false statements

have been made by the applicant in connection with the application. A decision to deny an initial application shall state conditions of reapplication.

c) Reinstatement Fees All new applications must be accompanied by a reinstatement fee, as specified by Council resolution, in addition to all other fees required by this Chapter.

8) Written Decision, Compliance A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and Codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of revocation, suspension or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or non-renewal specified in the City Council's written decision or in paragraph 6 of this Section.

9) New Licenses Prohibited A person who has a rental license revoked may not receive a rental license for another property within the City for a period of one year from the date of revocation. The person may continue to operate other currently licensed rental properties if the properties are maintained in compliance with City Codes and other applicable regulations.

12-911 CONDUCT ON LICENSED PREMISES.

1) Conduct, Disorderly Activities, Nuisances Defined It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this Chapter, disorderly activities are considered nuisances and defined as follows:

- a)** Noise - cats/dogs City Code Section 1-110; horns/radios - City Code Sections 19-1201, 1202, and 1203
- b)** Violation of City Code Section 19-1121 (Unlawful Possession, Delivery, or Purchase) or violation of laws relating to the possession of controlled substances as defined in Minnesota Statutes, Section 152.01, Subdivision 4, and drug paraphernalia as defined in Minnesota Statutes, Section 152.092.
- c)** Public disturbance - City Code Section 19-202.
- d)** The unlawful sale of intoxicating liquor or 3.2 percent malt liquor.
- e)** Violation of laws relating to gambling.
- f)** Violation of laws relating to prostitution as defined in Minnesota Statutes, Section 609.321, Subdivision 9, or acts relating to prostitution.
- g)** Unlawful use or possession of a weapon. Violation of Minnesota Statutes, Sections 609.66, Subdivision 1a; 609.67; 609.02, Subdivision 6; or 624.713; and City Code Section 19-402.
- h)** Loud parties/persons - City Code Section 19-1201.
- i)** Fights - City Code Section 19-203.
- j)** Allowing curfew/status offenses/ underage drinking - City Code Sections 19-301 and 19-304.
- k)** Disorderly conduct (Minnesota Statutes, Section 609.72).
- l)** Property damage - City Code Section 19-211.
- m)** Assaults 5th degree non-domestic - City Code Section 19-204.
- n)** Interference with a peace officer (Minnesota Statutes, Section 609.50).
- o)** Unlawful assembly (Minnesota Statutes, Section 609.705) - City Code Section 19-1105.
- p)** Presence at unlawful assembly (Minnesota Statutes, Section 609.175).
- q)** Terrorist threats (Minnesota Statutes, Section 609.713).
- r)** Loitering - City Code Section 19-201.

2) Violations, Actions Upon determination by the City Manager or the Manager's authorized designee that a licensed premises was used in a disorderly manner, as described in paragraph 1, the City Manager shall take the following actions:

- a)** For a first instance of disorderly use of licensed premise a notice shall be provided to the licensee of the violation directing the licensee to take steps to prevent further violations.

b) If a second instance of disorderly use of the licensed premises occurs within a twelve (12) month time period for the same tenancy, the City Manager or the Manager's authorized designee shall notify the licensee of the violation and require the licensee to submit a written report of the actions taken, and proposed actions to be taken by the licensee to prevent further disorderly use of the premises. The licensee shall submit a written report to the City Manager or the Manager's authorized designee within five (5) days of receipt of the notice of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises.

c) If a third instance of disorderly use of the licensed premises occurs within a twelve (12) month time period from the first disorderly violation for the same tenancy, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this Section shall be initiated by the City Manager or the Manager's authorized designee who shall give the licensee written notice of a hearing before the City Council to consider such denial, revocation suspension, or nonrenewal. The written notice shall specify all violations of this Section, and shall state the date, time, place, and purpose of the hearing.

3) Hearing The hearing shall be held no less than ten (10) days and no more than forty-five (45) days after giving such notice. Following the hearing, the Council may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this Section.

4) Eviction Actions No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

5) Determining Disorderly Conduct A determination that the licensed premises have been used in a disorderly manner as described in paragraph 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.

6) Notices All notices given by the City under this Section shall be personally served on the licensee, sent by First Class mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.

7) Enforcement Enforcement actions provided in this Section shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, guests, or the licensed premises as is authorized by this Code or state law.

12-912A No Retaliation No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This Section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

12-912B Falsely Reporting Violations No person shall report a violation of this Chapter or City Ordinance knowing or having reason to know that the report is false with the intent to affect the licensing status or inspection schedule of the property.

12-912C TENANT RESPONSIBILITIES.

1) Access to Premise When required by Minnesota Statutes, each tenant or occupant of a rental dwelling must give the owner, owner's representative or authorized City official access to any part of such rental dwelling at reasonable times for the purpose of inspection, maintenance, repairs, or alterations as are necessary to comply with the provision of this Chapter.

2) Compliance with Regulations A tenant must comply with applicable City Codes and all applicable local, state, and federal regulations. A tenant is responsible for applicable property Code, nuisance, and violations of disorderly conduct as specified in Section 12-911 that occur on the property, including violations committed by household members or guests.

12-913 TYPE IV PROVISIONAL LICENSES

1) Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2) The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3) Mitigation Plan The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.

4) Council Consideration The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5) Compliance with Mitigation Plan The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

12-914 Crime Free Housing Program For the purpose of this Chapter, the Crime Free Housing Program shall mean the nationally recognized program, unless otherwise indicated. The phases of the program include, but are not limited to, the conditions set forth below.

1) Phase I For license categories other than Type I, an owner, manager, or local agent responsible for the operation of the rental property must complete the Phase I training of the Crime Free Housing Program or a similar course approved by the City Manager. Certification as a rental property manager may also satisfy this requirement. Phase I includes the following:

- a) Attend an eight-hour crime-free housing course presented by police, fire, public housing and others.
- b) Use a written lease including the Minnesota Crime Free Housing Lease Addendum.
- c) Check the criminal background of all prospective tenants and, upon request, provide a copy of Third Party Background Check procedures for Tenants.
- d) Actively pursue the eviction of tenants who violate the terms of the lease and/or the Crime Free Lease Addendum.

2) Phase II Includes Phase I plus the following:

- a) Complete a Security Assessment and complete the security improvements recommended. This phase will certify that the rental property has met the security requirements for the tenant's safety.
- b) Attend a minimum of 25 percent of Owners/Managers Association Meetings.

3) Phase III Includes Phases Ind II plus the following:

- a) For properties with more than four units, conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.
- b) For properties with more than four units, hold regular resident meetings.
- c) Attend a minimum of 50 percent of Owners/Managers Association Meetings.
- d) Have no City Code violations that were not resolved in accordance with compliance orders within the past year.

12-915 CRIME FREE/DRUG FREE HOUSING LEASE ADDENDUM REQUIREMENTS All tenant leases, except for state licensed residential facilities, shall contain the Crime Free/Drug Free Housing Lease Addendum. The Crime Free/Drug Free provisions are in addition to all other terms of the lease and do not limit or replace any other provisions. These lease provisions shall be incorporated into every new and renewed lease for a tenancy beginning April 1, 2010.

12-916 TENANT BACKGROUND CHECKS.

1) All licensees will conduct criminal background checks on all prospective tenants 18 years and older and any subsequent persons 18 years or older residing in the dwelling unit. The criminal background check must include the following:

- a) A statewide (Minnesota) criminal history check of all tenants who are 18 years of age or older and persons subsequently residing in the dwelling unit who are 18 years of age or older (collectively referred to in this Section as "tenants") covering at least the last three years; the check must be done "in person" or by utilizing the most recent update of the state criminal history files;
- b) A statewide criminal history check from the tenant's previous state of residence if the tenant is moving directly from the previous state;
- c) A criminal history check of any tenant in his or her previous states of residence covering the last three years if they have not resided in Minnesota for three years or longer;
- d) A criminal history check of any tenant must be conducted in all seven counties in the metro Twin City area covering at least the last three years including all misdemeanor, gross misdemeanor, and felony convictions;
- e) Licensees will retain criminal history check information for at least one year after the date of the check or, if the subject of the check becomes a tenant of the licensed premises, one year after the subject of the check has ceased to be a tenant. Such information shall be available for inspection upon request by the City Manager or the City Manager's designee; and
- f) Licensees must have written screening criteria that is provided to the applicant.

12-1001 Enforcement And Inspection Authority The City Manager and the Manager's designated agents shall be the Compliance Official who shall administer and enforce the provisions of this Chapter and who is hereby authorized to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of this Chapter has been or is being committed. Inspections shall be conducted during reasonable times, and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit.

12-1002 Inspection Access Pursuant to Minnesota Statutes, Section 504B.211, the owner, manager, or local agent is responsible for scheduling the inspection and notifying any existing tenant of the inspection. The owner, manager, or local agent, must provide access to the requesting City authorized agent at the scheduled inspection time or as requested. Any owner, occupant, or other person in charge of a building may refuse to permit free access and entry to the structure or premises under that person's control for inspection pursuant to this Chapter, whereupon the Compliance Official may seek a court order authorizing such inspection.

12-1101 UNFIT FOR HUMAN HABITATION.

- 1) Any building or portion thereof, that is damaged, decayed, dilapidated, insanitary, unsafe, vermin or rodent infested, or that lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any building or premises has been declared unfit for human habitation, the Compliance Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling units shall be revoked.
- 2) It shall be unlawful for such building or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such building.

12-1103 Hazardous Building Declaration In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.

12-1201A Compliance Order Whenever the Compliance Official determines that any building or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this Chapter, a compliance order setting forth the violations of the Chapter and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:

- 1) Be in writing.
- 2) Describe the location and nature of the violations of this Chapter.
- 3) Establish a reasonable time for the correction of such violation and notify of appeal recourse.
- 4) Be served upon the owner or agent or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - a) Served upon owner, agent or occupant personally; or
 - b) Sent by 1st class mail to his/her last known address; or
 - c) Upon failure to effect notice through (a) and (b) as set out in this Section, posted at a conspicuous place in or about the building, or portion thereof, that is affected by the notice.

Violations may be cited by the City and prosecuted, and license suspension, revocation or non-renewal may be undertaken by the City whether or not a compliance order has been issued.

12-1201B Action Plan The Compliance Official may require an action plan to be completed by the licensee, manager, or local agent in a designated time frame that indicates the steps taken to correct identified violations and the measures to be taken to ensure ongoing compliance with City Ordinances and applicable Codes.

12-1202 Right Of Appeal When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this Chapter, such person may appeal the compliance order to the City Council sitting as a board of appeals. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as set forth per council resolution, in cash or cashier's check, and must be filed with the department of planning and inspection within five (5) business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

12-1203 Board Of Appeals Decision Upon at least five (5) business days notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the board of appeals shall hold a hearing thereon, taking into consideration any advice and recommendation from the advisory housing commission. The board of appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

12-1204 Restrictions On Transfer Of Ownership It shall be unlawful for the owner of any building, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledging. Anyone securing an interest in the building, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this Chapter.

12-1205 Failure To Correct Compliance Orders Any person who fails to comply with a compliance order and any person who fails to comply with a modified compliance order within the time set therein, upon conviction therefor shall be guilty of a misdemeanor, punishable in accordance with state law. Nothing in this Chapter however is deemed to limit other remedies or civil penalties available to the City under this Code or state law. Each day of such failure to comply shall constitute a separate punishable offense.

12-1206 EXECUTION OF COMPLIANCE ORDERS BY PUBLIC AUTHORITY Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may, by resolution, following a hearing upon not less than ten (10) days notice to the landowner cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.

12-1301 Alternative Sanctions Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the Compliance Official determines that any building, or portion thereof, or the premises surrounding any of these fails to meet the requirements set forth in this Chapter, the Compliance Official may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.

12-1302 Penalties Any person or responsible party who violates Sections 12-101 through 12-1402 is subject to the penalty provided under Section 12-1205 of this Code. Nothing in this Chapter however is deemed to limit other remedies or civil penalties available to the City under this Code or state law. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this Chapter designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this Section because of failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the Section creating the duty.

12-1401 Separability Every Section, provision, or part of this Ordinance is declared separable from every other Section, provision, or part to the extent that if any Section, provision or part of the Chapter shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

REGISTRATION AND REGULATION OF VACANT BUILDINGS

12-1501 Policy The purpose of Sections 12-1501 through 12-1511 is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. Sections 12-1501 through 12-

1511 also determine the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

12-1502 Findings Vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, trespassers, and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion, or flooding for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings that are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values. There is a substantial cost to the City for monitoring vacant buildings whether or not those buildings are boarded up. This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who choose to leave their buildings vacant.

12-1503 Definitions The following definitions shall apply in the interpretation and enforcement of Sections 12-1501 through 12-1511.

1) Compliance Official - the City Manager and the City Manager's designated agents authorized to administer and enforce Sections 12-1501 through 12-1511 of this Code.

2) Building - a building or structure designed for business use or human use or occupancy.

3) Owner - those shown to be the owner or owners on the records of the Hennepin County Department of Property Taxation; those identified as the owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer, or director of any partnership, corporation, association or other legally-constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of Sections 12-1501 through 12-1511 of this Code.

4) Responsible party - means an owner, occupant, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located. Any party having a legal or equitable interest in the property. Responsible party may include, but is not limited to, a Realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

5) Vacant building - a building or structure is vacant if no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with the City's zoning regulations.

12-1504 VACANT BUILDING REGISTRATION

1) Application The owner or responsible party must register a vacant building with the City no later than thirty (30) days after the building becomes vacant. The registration must be submitted on a form provided by the City and shall include the following information supplied by the owner:

- a)** The name, address, telephone number, and email address, if applicable, of each owner or the owner's representative;
- b)** The names, addresses, telephone numbers, and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;
- c)** The name, address, telephone number, and email address, if applicable, of a local agent or person responsible for managing or maintaining the property;
- d)** The legal description, tax parcel identification number, and street address of the premises on which the building is situated;
- e)** A description of the premises, including the common address of the property;
- f)** The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and for correcting Code violations and nuisances, or for demolition of the building;
- g)** The status of water, sewer, natural gas and electric utilities.
- h)** The owner must notify the Compliance Official of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change.

2) Property Plan The property plan identified in Section 12-1504(1)(f) must meet the following requirements:

- a)** General provisions.

The plan must comply with all applicable regulations and meet the approval of the Compliance Official. It must contain a timetable regarding use or demolition of the property. The plan must be completed within 30 days after the building is registered. b Maintenance of building. The plan must identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property must comply with the applicable building Codes and City regulations.

c) Plan Changes.

If the property plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the Compliance Official.

d) Demolition Required.

If a building has remained vacant for a period of three hundred and sixty-five (365) consecutive days, and the Compliance Official has not approved an alternative schedule in the property plan, the owner must demolish the building and restore the grounds. If the owner does not demolish the building, the City may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with City Code Section 19-105.

3) Non-compliance and Notification. If the owner does not comply with the property plan or maintain or correct nuisance items, the City may commence abatement and recover its costs for correction of those items in accordance with City Code Section 19-105. In the case of an absent owner and ongoing nuisance items, the City need not provide notice of each abatement act to the owner. A single notice by the City to the owner that it intends to provide ongoing abatement until the owner corrects the items will be sufficient notice.

4) Exemptions.

a) Fire Damage.

A building that has suffered fire damage is exempt from the registration requirement for a period of ninety (90) days after the date of the fire if the owner submits a request for exemption in writing to the Compliance Official. A request for exemption must be approved by the Code official and include the following information supplied by the owner:

i) A description of the premises;

ii) The name and address of owner or owners;

iii) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion;

iv) Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.

b) "Snowbirds".

Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Exemption as a "snowbird" will be granted with proper verification.

5) Fees. The owner must pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the City in monitoring the vacant building site. The fee must be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

6) Waiver of Fee. The registration fee may be waived if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the City that are associated with the vacant property and demonstrates, to the satisfaction of the Compliance Official:

a) that the property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the Compliance Official; and either

b) that he or she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or

c) that he or she has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the Compliance Official.

7) Assessment. If the registration fee or any portion is not paid within 60 days after billing, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in Section 19-105 of this Code.

8) Issuance of Permit. Upon completion of the registration process and payment of the fee, the City will issue a Vacant Building Permit to the owner. The owner must securely post the permit on the vacant building, if possible, on a side entrance door that is not generally visible from the public street. If no side entrance door is available, the permit must be securely posted on another available entrance door. If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

12-1505 Change Of Ownership A new owner(s) must register or re- register a vacant building under Section 12-1504 within fifteen (15) days of any transfer of an ownership interest in a vacant building. The new owner(s) must comply

with the approved property plan and timetable submitted by the previous owner. Any proposed changes in the property plan must be submitted and approved by the Compliance Official.

12-1506 Inspections The Compliance Official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with Sections 12-1501 through 12-1511 and other applicable regulations. Upon the request of the Compliance Official, an owner or responsible party must provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available to provide access to the interior of the building, the City may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, a vacant building must be inspected by the City and found to be in compliance with Chapter 12 of the City Code and all other applicable regulations. All application and reinspection fees must also be paid prior to any reoccupancy of the building. All such fees are set by Resolution of the City Council.

12-1507 Maintenance Of Vacant Buildings The owner must comply with and address the following items in the property plan, as described in Section 12- 1504(2):

1) Appearance. All vacant buildings must be so maintained and kept that they appear to be occupied.

2) Securing. All vacant buildings must be secured from outside entry by unauthorized persons or pests. Security must be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes.

a) Architectural (Cosmetic) Structural Panels.

Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.

b) Temporary Securing.

Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors and other openings for a maximum period of 14 days.

c) "Artistic" board-up.

With prior approval of the Compliance Official, artistic options may be utilized to secure a vacant building.

d) Emergency securing.

The Compliance Official may take steps to immediately secure a vacant building at his or her discretion in emergency circumstances.

3) Fire Safety.

a) Fire protection systems.

Owners of non-residential vacant buildings must maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.

b) Removal of hazardous and combustible materials.

The owner of any vacant building, or vacant portion thereof, must remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.

4) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system must be installed in accordance with applicable Codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable Codes. The building's water systems must be protected from freezing.

5) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable Codes must be repaired, removed or the electrical services terminated to the building in accordance with applicable Codes.

6) Lighting. All exterior lighting fixtures must be maintained in good repair, and illumination must be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.

7) Heating. Heating facilities or heating equipment in vacant buildings must be removed, rendered inoperable, or maintained in accordance with applicable Codes.

8) Termination of utilities. The Compliance Official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, written notice must be given to the owner. No utility may be restored until consent is given by the Compliance Official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The Compliance Official may authorize immediate termination of utilities at his or her discretion in emergency circumstances.

9) Signage. Obsolete or unused exterior signs and installation hardware must be removed. Holes and penetrations must be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building must be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs must be maintained in good condition and in compliance with Chapter 34 of this Code. Auction signs or attention-getting devices may be placed on a property for no more than fourteen (14) consecutive days prior to the auction date and must be removed within three (3) days following the auction.

10) Exterior maintenance. The owner must comply with all applicable property maintenance regulations and City Codes including, but not limited to, the following:

a) Public nuisances.

The owner must eliminate any activity on the property that constitutes a public nuisance as defined by Section 19-103 of the City Code.

b) Grass and weeds.

Any weeds or grass must be no greater than six (6) inches in height.

c) Exterior structure maintenance.

The owner must maintain the vacant building in compliance with Sections 12-701 through 12-713 as determined to be necessary by the Code official.

d) Abandoned or junk vehicles.

The owner must remove abandoned and junk vehicles from the property. The City may impound such vehicles consistent with the requirements in Chapter 19 of the City Code.

e) Storage and disposal of refuse.

The storage and disposal of refuse must comply with the requirements of Chapter 7 of the City Code.

f) Animals.

The owner must ensure that all animals are removed from the property and handled in a humane manner.

g) Diseased, dead or hazardous trees.

The owner must remove diseased, dead or hazardous trees or branches from the property in accordance with Chapter 20 of the City Code.

h) Graffiti.

The owner must remove all graffiti from the property in accordance with City Ordinance.

i) Abandoned pools.

Swimming pools must be maintained in good operating condition; treated to prevent pest harborage; or properly drained and emptied. Swimming pools must be secured in accordance with City Code Section 19-1402.

11) Removal of garbage and refuse. The owner of any vacant building, or vacant portion thereof, must remove all garbage, refuse, rubbish, swill, filth, or other materials from the vacant building and the property upon which the building is located.

12) Police protection systems. The owner must properly maintain all alarm systems in any vacant building or portion thereof in operating condition.

13) Loitering, criminal activities. Loitering or engaging in criminal activities is not allowed in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party must not allow these activities and take immediate actions to eliminate these conditions once notified by the City.

14) Emergency Abatement. The Compliance Official may authorize immediate abatement of any public nuisance or maintenance item if, in the discretion of the Compliance Official, emergency circumstances exist that present an imminent threat to the public health and safety.

15) Other Codes. All other City Codes and applicable regulations must be complied with.

12-1508 No Occupancy Or Trespass No person may trespass, occupy or reside in, on a temporary or permanent basis, any vacant building without the owner's consent.

12-1509 Vandalism Or Removal Of Items Prohibited No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

12-1510 Appeal Any person or responsible party aggrieved by a decision under Sections 12-1501 through 12-1509 may appeal to the City Council. The appeal must be in writing, must specify the grounds for the appeal, and must be submitted to the City Manager within ten business days of the decision that is basis of the appeal.

12-1511 Penalties Any person or responsible party who violates Sections 12-1501 through 12-1510 is subject to the penalty as provided under Section 12-1205 of this Code. Nothing in Sections 12-1501 through 12-1511, however, is deemed to impair other remedies or civil penalties available to the City under this Code or state law, including, but not limited to, Minnesota Statutes Sections 463.15 through 463.261.

12-1600 Limitations On Predatory Offenders It is unlawful for any designated predatory offender to establish a permanent or temporary residence within any of the following locations:

- 1) Within 2,000 feet of any school, child care facility, or public playground; or
- 2) Within 2,000 feet of the permanent residence of another designated predatory offender, unless the designated predatory offenders are residing within a licensed treatment facility.

12-1601 Measurement Of Distance For purposes of determining the minimum distance separation required by Section 12-1600, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence of the designated predatory offender to the nearest outer property line of the protected school, child care facility, or public playground.

12-1602 Penalties Any person who violates this Section shall be guilty of a misdemeanor. Each day that a person maintains a permanent or temporary residence in violation of this Code shall constitute a separate offense.

12-1603 Exceptions A designated predatory offender residing within a prohibited area as described in Section 12-1600 does not commit a violation of that Section if any of the following apply:

- 1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166 and 243.167 or a successor statute, prior to October 1, 2015;
- 2) The person was a minor when they committed the offense and he or she was convicted as an adult;
- 3) The person is a minor;
- 4) The school, child care facility, or public playground within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166 and 243.167, or a successor statute;
- 5) The residence is also the primary residence of the person's parents, grandparents, siblings, or spouse; or
- 6) The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to October 1, 2015.