

CITY OF ST. CLAIR
ORDINANCE CODE
CHAPTER 113: REGULATING AND LICENSING RESIDENTIAL RENTAL PROPERTY

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SECTION 113.01 TITLE

This Chapter of the Ordinance Code, shall be entitled Chapter 113: “Regulating and Licensing Residential Rental Property”.

SECTION 113.02 PURPOSE

The purpose of this Ordinance is to provide safeguards to protect life, health, property, and public welfare of the Citizens of St. Clair by regulating the use, occupancy, location, and upkeep of all residential rental property, buildings and structures within the limits of the City of St. Clair, Minnesota. It is the desire of the City to protect the interests of the property owner, the tenant, adjoining property owners, and the community as a whole. Objectives of this Chapter of the Ordinance Code include, but are not limited to, the following:

- A. Protect and preserve the stability of residential areas of the City.
- B. The prevention and correction of housing conditions that adversely affect life, safety, health and general well-being of residents.
- C. The prevention of blighted and deteriorating housing in the City.
- D. The prevention of overcrowding of rental dwellings.
- E. The preservation of the value of land and buildings in the City.

SECTION 113.03 SCOPE

This Chapter of the Ordinance Code applies to all buildings which are rented in whole or in part as a dwelling for persons other than the property owner’s family as defined herein. It includes accessory structures such as garages and storage buildings. This Chapter of the Ordinance Code does not apply to Minnesota Department of Health licensed rest homes, convalescent facilities, nursing homes or hotels and motels.

SECTION 113.04 DISCRIMINATION AND PRIVATE CONTRACTS

This Chapter of the Ordinance Code shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public welfare. The City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the City to the provisions of this Chapter of the Ordinance Code.

SECTION 113.05 DEFINITIONS

The following terms, as used in this Ordinance, shall have the meanings stated:

APPLICANT – Any person making application for a license under this Chapter of the Ordinance Code.

APPLICATION – A form with blanks or spaces thereon, to be filled in and completed by the applicant as his/her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration for the issuance of a license for the rental of residential property.

CONTRACT FOR DEED – Means an executor contract for the conveyance of residential real property under which the seller provides financing for the purchase of the residential real property and under which the purchaser does or has a right to go into possession.

DWELLING – A building, wholly or partly used or intended to be used for living, sleeping, purposes by human occupants; but not including rest homes, convalescent homes, nursing homes, hotels, motels, bed and breakfast, etc.

DWELLING, DUPLEX/TWO-FAMILY – A building on one (1) lot with one (1) legal description and one (1) owner, which has been divided into two (2) separate dwelling units with two (2) separate entrances, intended for occupancy by two (2) separate families.

DWELLING, MULTI-FAMILY – A building designed exclusively for occupancy by three (3) or more families living independently of each other, with separate housekeeping and separate cooking facilities for each.

DWELLING, SINGLE-FAMILY – A detached dwelling designed exclusively for occupancy by one family.

DWELLING, TWIN HOME – A building containing two (2) separate dwelling units with a shared or common wall; located on two (2) separate lots with two (2) separate legal descriptions and two (2) separate (different) owners.

DWELLING UNIT – A room or group of rooms within a dwelling, forming a single habitable unit.

EGRESS – An arrangement of exit facilities to assure safe means of exit from a building with specific dimensions as required by the City.

FACILITIES – Licensed by the State of Minnesota as institutional occupancies or dormitories. May also be called a residence, residential facility or residential building.

FAMILY – An individual or two (2) or more persons related by blood, marriage, adoption, and foster children.

FAMILY (FUNCTIONAL) – A Functional Family means a collective group of unrelated persons residing in a single dwelling unit, limited to not more than two adult persons, together with their traditional family members of any age. (See also the definition for ‘Unrelated Persons’ on page 4, at the end of this Section.)

FAMILY (TRADITIONAL) – A Traditional family means one or more persons related by blood or marriage residing in a single dwelling unit.

HEARING EXAMINATION BOARD – Includes Rental Housing Inspector, Council Member, Zoning Administrator and Law Enforcement Official.

RENTAL HOUSING INSPECTOR – Person appointed by the City to inspect rental property for compliance purposes.

INSPECT ON COMPLAINT – An inspection initiated by a complaint filed by the owner, tenant, neighbor, concerned individual, or the City.

LICENSE – A document issued by the City to an applicant permitting him/her to rent residential property.

LICENSEE – An applicant who, pursuant to his/her application, holds a valid, current, unexpired and unrevoked license from the City allowing him/her to rent residential property.

LICENSE FEE – The money paid to the City pursuant to an application and prior to issuance of a license to rent residential property.

MANAGER, CARETAKER – Any person who has charge, care or control of a structure, or part thereof, in which rental dwelling units are let.

OCCUPANT – Any person residing in a dwelling or dwelling unit.

OWNER – Any person, firm, corporation or agent, who alone, jointly or severally with others shall be in actual possession of, or have charge, care or control of any dwelling or dwelling unit.

NUISANCE – For the purpose of this Chapter, a nuisance shall be any of the following:

- A. Any public nuisance known as common law or inequality jurisprudence, or recognized by Minnesota Statutes or this City's ordinances.
- B. Any public nuisance which may prove detrimental to children whether in a building, on the premise of a building, or upon an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and other appliances; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, or debris which may become a hazard for inquisitive minors.
- C. Any other activity or situation that is dangerous to human life, detrimental to health, or illegal.

RENT – The term "rent" means any consideration paid for the exclusive use of the dwelling unit, including, but not limited to, money, services, or a combination thereof, paid or delivered at fixed intervals periodically agreed upon.

RENTAL HOUSING INSPECTOR – The person appointed by the City to inspect residential rental property for compliance purposes.

RENTAL PROPERTY – Shall include living units rented on a month to month basis or greater. Such property may include single-family homes, duplexes, triplexes or multi-family units. Exempt from such definition shall be motels, hotels, boarding houses, bed and breakfast facilities and any facility exempt from City regulation due to State or Federal rules and regulations.

RESIDENTIAL REAL PROPERTY – Means real property occupied, or intended to be occupied, by one to four families, if the purchaser intends to occupy the real property. Residential real property does not include property subject to a family farm security loan or a transaction subject to Minnesota Statute 583.20 to 583.32.

UNRELATED PERSONS – Two or more individuals who are not related by blood, marriage, or adoption. For the purpose of this Chapter, “related by blood” shall mean whole or half relations between a common ancestor or descendent, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin or any combination of the above persons.

SECTION 113.06 APPLICATIONS

All persons or entities that own property in the City of St. Clair and that desire to rent that property, must obtain from the City a valid rental license, prior to renting or leasing any property. All applications shall be made in writing on a form approved by the St. Clair City Council and submitted to the City Clerk-Treasurer. All applications must provide verification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the property to be rented. If the applicant (s) is unable to provide such certification, the rental license shall be denied. All applications shall be accompanied by a fee as set by motion of the City Council of St. Clair. No property may be rented or leased until the application has been approved.

Subd. 1. All applications shall be made at the Office of the City Clerk-Treasurer.

Subd. 2. All applications must be subscribed and sworn to and shall contain the following information:

- A. The property owner’s name, mailing address, telephone number and e-mail address. If there are multiple owners or if applicant is a corporation, partnership or company, include the name, mailing address, telephone number and e-mail address of all owners of or the corporation’s officers.
- B. The name, mailing address, telephone number and e-mail address of the property manager or caretaker (if applicable).
- C. The name, mailing address, telephone number and e-mail address of the primary contact person.
- D. The rental property address and the name of the rental complex (if applicable).
- E. Emergency (24-hour) phone number.
- F. Such other information as the City Council may deem necessary.

Subd. 3. It is unlawful for any applicant to intentionally make a false statement or misleading statement or omission in regards to preparing this application. Any false or misleading statement or omission in

regards to preparing this application. Any false or misleading statement or omission shall work as an automatic refusal of the license and void any previously issued license.

Subd. 4. The City Clerk-Treasurer shall upon receipt of the completed application, forward the application to the Rental Housing Inspector. The Rental Housing Inspector may request that the applicant provide information to verify the information in the application. Failure to cooperate with the Rental Housing Inspector may be grounds for denial of application.

Subd. 5. The City Council may by motion approve an abbreviated manner and forms for the renewal of the license.

SECTION 113.07 ACTION ON APPLICATION FOR LICENSE

Subd. 1. Upon receipt of a completed application and payment of the application fee, the City shall commence with the investigation of the application and evaluation of the property and proposed use, said investigation shall be completed within thirty (30) days, at which time the City shall either issue the license or state in writing the reasons for the denial of the application. All residential rental properties must obtain a license by March 1. All licenses issued by the City shall be valid for a period of two (2) years, unless canceled or revoked pursuant to this Chapter of the Ordinance Code. Licenses may not be transferred and if there is a change in ownership of the property or the ownership of the entity that owns the property the license holder is required to apply for a new license as required under Section 113.06.

SECTION 113.08 FEES

Subd 1. The rental license fee shall be established by motion of the City Council.

SECTION 113.09 TRANSFER OF PROPERTY OWNERSHIP

Subd. 1. No license issued under this Chapter of the Ordinance Code is transferable from one party to another. If the property is sold or otherwise transferred to a new owner, the new owner is required to apply for a rental license as provided for in Section 113.06. If the property is owned by a partnership or corporation and more than a ten percent (10%) interest in the property has been transferred to a party that was not previously disclosed on the application for rental license, then the license holder shall apply for a new license as provided under Section 113.06.

Subd 2. CONTRACT FOR DEED. Whenever any real estate is sold for a consideration in excess of \$1,000, whether by warranty deed, quitclaim deed, contract for deed or any other method of sale, the grantor, grantee or the legal agent of either shall file a certificate of value with the county auditor in the county in which the property is located when the deed or other document is presented for recording. Contract for deeds are subject to recording under Section 507.235, Subdivision 1 of Minnesota Statue 272.115. A copy of the "Contract for Deed" will have to be submitted to the City within thirty (30) days after filing

with Blue Earth County Recorder's Office per Minnesota Statute 507.235 Subd. 2. Failure will result in the violation of the rental code.

SECTION 113.10 LICENSE DENIAL, SUSPENSION OR REVOCATION

Subd. 1. NOTIFICATION. Prior to denial, suspension or revocation, the licensee (or his/her designated agent) and all occupants of units potentially subject to denial, suspension or revocation, shall be notified in writing pursuant to the terms of this Chapter of the Ordinance Code. Any applicant who's license is denied, or any licensee whose license is suspended or revoked shall be entitled to appeal and to a hearing on such appeal. Notice of the hearing shall be provided to all interested parties at least twenty (20) days prior to a hearing.

Subd. 2. HEARING. A hearing shall be held with the Hearing Examination Board. The hearing shall be conducted to meet the licensee and occupant's due process rights, including:

- A. Allowing interested parties, or their attorneys, the right to present evidence, witnesses, and to cross-examine all adverse witnesses, and
- B. Making a complete record of all proceedings, including findings of fact and conclusions of law.

Subd. 3. SUSPENSION or REVOCATION. Every operating license issued under the provisions of this Chapter of the Ordinance Code is subject to suspension or revocation for the entire rental dwelling or for individual rental units, by the City Council, should the licensee fail to properly license and maintain the rental unit.

A rental license may also be denied, suspended or revoked for any of the following reasons:

- A. The license and/or license application was procured by misrepresentation of material facts, by fraud, by deceit or by bad faith.
- B. The applicant or one acting on his/her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
- C. The activities of the licensee or the failure to adequately maintain the property to comply with health, safety, building codes and Section 113.11, A-F of this Ordinance.

Subd. 4. EFFECT OF DENIAL, SUSPENSION or REVOCATION. In the event a rental license is denied, suspended or revoked by the City Council it shall be unlawful for the owner or his/her duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units, until such time as a valid rental license is restored to the affected units.

Subd. 5. NO OCCUPANCY. If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the Owner, or Manager, to thereafter permit the occupancy of the unlicensed rental dwelling of the unit. The City shall send and post a copy of the City Council action on the rental dwelling(s) or unit(s) impacted by action in order to prevent any further occupancy. No person shall reside in, occupy or cause to be occupied any unlicensed rental dwelling or unit. If the

rental, dwelling(s) or unit(s) is occupied at the time the license is revoked, suspended, denied, or not renewed, then the Owner, or Manager, shall inform the tenant(s) that the tenant(s) have thirty (30) days from the date of the City Council action to vacate. Occupation of the rental dwelling or unit after those thirty (30) days is unlawful.

Subd. 6. FAILURE TO OBTAIN A LICENSE. If it is determined that a rental unit is being operated without a valid license, an immediate inspection shall be conducted. Contracts for Deed are subject to recording under Minnesota Statute Section 507.235 Subdivision 1. Any property that has been issued a rental license or that is subject to this Ordinance, shall also file with the City of St. Clair a copy of the Contract for Deed within thirty (30) days of the transfer of the property. Failure to file said notice with the City will result in a violation of the rental code.

SECTION 113.11 CONDUCT ON LICENSED PREMISES

- A. It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupant(s) which is in violation of any of the following statutes:
 - 1. Minn. Stat. 609.75-609.76, which prohibit gambling
 - 2. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto.
 - 3. Minn. Stat. 152.01 through 152.025, and 152.027, Subd. 1 and 2, which prohibit the unlawful sale, possession of and manufacturing of controlled substances.
 - 4. Minn. Stat. 340A.401 which regulates the unlawful sale of alcoholic beverages.
 - 5. Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house.
 - 6. Minn. Stat. 609.72, which prohibits disorderly conduct.
- B. It shall be the responsibility of the licensee to take appropriate action to curb inappropriate actions of the tenant, occupants, or guests of the property which are in violation of any Ordinance of the City of St. Clair, including, but not limited to, Noise Ordinances and Nuisance Property Ordinances.
- C. The Blue Earth County Sheriff's Department, shall be responsible for enforcing and administration of this Section.
- D. Upon determination by the Blue Earth County Sheriff's Department that a licensed premises or a dwelling unit was involved in a violation of Subsection 1 above, the Blue Earth County Sheriff's Department shall notify the licensee by certified mail of the violation and direct the licensee to take steps to prevent further violations. A copy of said notice shall be sent by first class mail to the occupant of said property.

- E. Upon a second violation within twelve (12) months of Subsection 1 of this Section, involving a guest or an occupant of a dwelling unit, the notice provided under Subsection 3 of this Section shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. This written report shall be submitted to the Blue Earth County Sheriff's Department within five (5) days of the request of said report and shall detail all actions taken by the licensee in response to all notices regarding violations to Subsection 1 of this Section within the preceding twelve (12) months. If the licensee fails to comply with the requirements of the Subsection, the rental dwelling license for the individual dwelling 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 Hearing Examination Board at the request of the Blue Earth County Sheriff's Department.
- F. If a third or subsequent violation of Subsection 1 of this Section involving a guest of or an occupant of a dwelling unit occurs within twelve (12) months after any two (2) previous instances for which notices were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, 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 Hearing Examination Board at the request of the Blue Earth County Sheriff's Department.
- G. No adverse license action shall be imposed if the violation to Subsection 1 of this Section occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. 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, nor 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 violations to Subsection 1 of this Section.
- H. A determination that the licensed premises or dwelling unit has been used in violation of Subsection 1 of this Section shall be made by the City Council upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to Section 1 of this Section, nor shall the facts of dismissal or acquittal of criminal charges operate as a bar to adverse license action under this Section.

SECTION 113.12 RESIDENTIAL DISTRICTS

Subd. 1. STATE LICENSED RESIDENTIAL FACILITY. State Licensed residential facilities are allowed in all residential districts pursuant to Minnesota State Statutes, as amended from time to time. The regulation of Residential Occupancies in this Section shall not apply to a State Licensed Residential Facility.

Subd. 2. RESIDENTIAL OCCUPANCIES. Residential occupancies of single and two family dwellings in the R-1 zoning districts shall be limited to Family-Functional and Family-Traditional as defined by this this

Chapter of the Ordinance Code. Family-Functional and Family-Traditional may have one additional person residing with them for non-rental purposes or for the purpose of providing a housekeeping or personal service for the resident(s) therein.

Subd. 3. NON-CONFORMING USES. Residential rental properties not in compliance with this Ordinance as of the effective date of the Ordinance may continue in the non-conforming use provided that if the property ceases to continue in the non-conforming use for a period of twelve (12) consecutive months, the right of continuing non-conformity will end.

Subd. 4. R-1 ZONING DISTRICTS. It is the desire of the City to maintain the single family, owner occupied character of the R-1 Zoning District. As such, the City Council of St. Clair has determined that in order to protect the character of these neighborhoods that it must restrict the number of rental properties that will be allowed in the same area. Therefore no two R-1 rental properties may be located within two hundred fifty (250) feet of each other. The two hundred fifty (250) feet shall be measured from the property line of any currently licensed rental property.

SECTION 113.13 INSPECTIONS UNDER THIS ORDINANCE

Subd. 1. The City of St. Clair has adopted the International Property Maintenance Code (IPMC), a national model code that addresses maintenance requirements for the interior and exterior of structures. It is not meant to replace other City ordinances being enforced by the City (e.g. Zoning, Nuisances, Inoperable Vehicles, Signs, Parking, etc.). The IPMC also contains requirements for plumbing, heating, fire and electrical systems in existing buildings. This document is consistent and comprehensive and is a compatible property maintenance document that is meant to be used with other codes as adopted by the State of Minnesota.

The adoption of this document will clarify the City's expectations to property owners in the areas of providing safe, structurally sound, well maintained facilities for all buildings in the City of St. Clair.

Subd. 2. NEW RENTAL LICENSE. Applications for a residential rental property license will be made to the City Clerk-Treasurer. The completed application will be forwarded to the Zoning Administrator who shall review the application for conflicts with Zoning Ordinances and parking requirements. If approved, the application will be assigned to the appointed Rental Housing Inspector for inspection on compliance with this code and any other applicable statute, Ordinance, code or regulation. A rental license will be issued after the property is in full compliance with all requirements. The property may not be rented until final approval as evidenced by the issuance of the license.

Subd. 3. INSPECTION UPON COMPLAINT. Any residential property within the City is subject to investigation upon complaint by any citizen or City employee. Complaints shall be investigated in accordance with the following schedule.

- A. All Complaints shall be investigated within seventy-two (72) hours of receipt by the City Rental Housing Inspector, or their designee, shall inspect the property to verify the existence of conditions in violation of this Ordinance or any other applicable statute, Ordinance, code or regulation.

- B. Tenant Requested Inspection. A tenant may at any time request an inspection of the rental property in which they currently reside. A fee for such inspection shall be imposed on the tenant only if the hearing examiner board finds, by a preponderance of the evidence that the request was made in bad faith.

Subd. 4. ADMINISTRATIVE PENALTIES FOR FAILURE TO ALLOW INSPECTION. The City Council shall establish administrative penalties for intentional failure, or failure without good cause; to appear for scheduled rental inspections or re-inspections or for intentional avoidance or delay in scheduling inspection(s) when requested. Administrative penalties may also be imposed for failure to correct code violations after proper notice. Administrative penalties are in addition to any criminal charges and/or fines.

Subd. 5. CONFIDENTIALITY OF COMPLAINANT’S NAME(s). The identities of any person filing a complaint about violations of state law, or local Ordinance, concerning the use of real property, and any information that would identify such person, is classified as confidential under Minnesota State Statute 13.44. No employee or agent of the City shall release or reveal such information except by court order.

Subd. 6. PENALTY FOR RETALIATION AGAINST COMPLAINANT. It is a misdemeanor for any person to take retaliatory action against, harass or intimidate any person who makes a good-faith complaint against real property within the City.

Subd. 7. PENALTY OF FILING A FALSE OR MALICIOUS COMPLAINT. It shall be a misdemeanor for any person to file a false or malicious complaint of violations of state law or local Ordinance concerning the use of real property.

SECTION 113.14 OUTSTANDING CITY INVOICES

Subd. 1. The property owner will be required to pay all outstanding invoices from the City associated with the enforcement of the Residential Rental Property Ordinance. Cost and fees will be determined by the “City Fee Schedule” and a per hour basis of the contracted Rental Housing Inspector’s hourly fee. Payment will be considered past due 30 days after the date of the invoice.

Subd. 2. Any outstanding bills or invoices related to the enforcement of the Residential Rental Property Ordinance will have a lien against the property being serviced and the City Clerk-Treasurer shall certify to the Blue Earth County Auditor’s Office the amount of the delinquent balance, which amount shall be added to taxes and assessments due and payable against the property.

SECTION 113.15 PARKING

Subd. 1. All new rental units licensed after the effective date of this Ordinance shall provide two (2) off-street parking spaces for each dwelling unit.

Subd. 2. LOCATION AND DESIGN OF OFF-STREET PARKING. All new rental units licensed after the effective date of this Ordinance shall provide required off-street parking in conformance with the following:

- A. All required off-street parking spaces for single family and two-family dwellings shall be provided on the same lot as the dwelling.
- B. Off-street parking spaces for multi-family dwellings (3-family or more) may be provided on a lot located not more than five hundred (500') feet from the main building, provided that the off-premises parking lot is held under the same ownership or leasehold interest as the lot on which the multi-family dwelling is located.
- C. Private and public sidewalks, boulevards and other portions of the public right-of-way shall not be used to satisfy off-street parking requirements.
- D. For one and two-family dwellings, all off-street parking spaces, enclosed or unenclosed, shall have minimum dimensions of 10' x 20', exclusive of required drives and accesses.
- E. For a single-family dwelling, the unenclosed parking space located immediately adjacent to the entrance of a garage may be considered one (1) off-street parking space provided the space has a minimum dimension of 10' x 20' and conforms to all other regulations. The enclosed garage space may also be considered an off-street parking space for the purpose of satisfying the parking requirements, provided the enclosed parking space has a minimum dimension of 10' x 20'.
- F. All newly constructed rental property shall have the driveway and parking surface hard surfaced within one (1) year after issuance of a new rental license. Acceptable hard surfacing does not include recycled asphalt or recycled concrete. Failure to hard surface within one-year shall result in the revocation of the rental license. Existing rental property at the time of this Ordinance's adoption are required to provide adequately designed parking for vehicular weight that is aesthetically appealing.
- G. Notwithstanding any of the above or as otherwise permitted in this Ordinance tandem parking arrangements shall not be allowed in order to satisfy the parking requirements of this Ordinance.

Subd. 3. NON-CONFORMING OFF-STREET PARKING. Rental units in operation prior to the adoption of this Ordinance shall be required to provide additional off-street parking for the purpose of satisfying the requirements of this Section, if adequate off-street parking spaces are not presently provided for the occupants. This requirement shall only apply to rental properties containing yard areas that may be used for additional parking in conformance with the location and design regulations of Subdivision 2.

SECTION 113.16 POSTING

All Licensees must post on the rental premises a copy of their rental license.

SECTION 113.17 PENALTY

Subd. 1. Any violation of this Ordinance is a misdemeanor and is subject to all penalties provided for such violations. Each day in which a violation exists shall constitute a separate offense.

Subd. 2. It is a misdemeanor for any person to prevent, delay or provide false information to any City official, or his/her representative, while they are engaging in the performance of their duties as set forth in this Ordinance.

Subd. 3. In addition to bringing criminal charges for violation of this Ordinance, the City of St. Clair may seek a civil injunction against any licensee or occupant who violate any terms of this Ordinance.

Subd. 4. All applicants must include in any lease (written or oral) a copy of this Ordinance and must further advise all tenants that a violation of this Ordinance by the applicant (landlord) or any occupant of the premises could result in termination or revocation of the rental license and immediate eviction of all tenants.

SECTION 113.18 AUTHORITY ENFORCEMENT AND RESPONSIBILITY

Subd. 1. AUTHORITY. The City Clerk-Treasurer, or their designee, is hereby authorized and directed to enforce all of the provisions of this Ordinance.

The City Clerk-Treasurer, or their designee, shall have the power to render interpretations of this Ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Ordinance.

Subd. 2. RIGHT OF ENTRY. When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the City has reasonable cause to believe that there exists in a building or upon a premise a condition which is contrary to or in violation of this Ordinance, they may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such building or premises is occupied that credentials will be presented to the occupant and entry requested. If such building or premises is unoccupied, they shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the City's Rental Housing Inspector, shall have recourse to the remedies provided by law to secure entry.

EXCEPTION: Licensed rental properties are subject to inspection for purposes of this Ordinance at any time without requirement for warrant.

Subd. 3. RESPONSIBILITIES DEFINED. Owners remain liable for violations of duties imposed by this Ordinance even though an obligation is also imposed on the occupants of the building and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Ordinance.

Buildings, structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this Subdivision, the building may be re-inspected.

Owners, in addition to being responsible for maintaining the buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this Ordinance or any other applicable code, Ordinance, regulation or statute, furnish and maintain such approved sanitary facilities required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents, bats or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, in addition to being responsible for keeping it in a sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall properly dispose of their rubbish, garbage and other organic waste in a manner required by this Ordinance, or any other applicable code, Ordinance, regulation or statute.

Occupants shall, when required by this Ordinance, or any other applicable code, ordinance, regulation or statute, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

SECTION 113.19 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

The following Sections within Section 2 of the IPMC are hereby revised:

Section 101.1	City of St. Clair
Section 103.5	per City Fee Schedule
Section 202	General Definitions
Section 304.14	Insect Screens

PASSED and ADOPTED by the City Council of the City of St. Clair, Minnesota this 3rd day of February 2015.

ST. CLAIR CITY COUNCIL

Marvin More, Mayor

ATTEST:

Catherine Seys, City Clerk-Treasurer

Motion made by Council Member		Thomas Karels, Sr.
Motion seconded by Council Member		Jerry Phillips
COUNCIL MEMBERS	IN FAVOR	OPPOSED
Mayor Marvin More	X	
Council Member Jerry Phillips	X	
Council Member Thomas Karels, Sr.	X	
Council Member Jason Weinandt	X	
Council Member Cindy Glamm	X	