

ARTICLE V. HOUSING AND PROPERTY MAINTENANCE

Sec. 6-200. Title.

This Article may be cited as the "City of Woodbury Housing and Property Maintenance Code," or "housing and property maintenance code."

Sec. 6-201. Policy; purpose; objectives; intent.

- (a) ***Policy.*** It is the policy of the City to enhance the supply of safe, sanitary and adequate property for its citizens and to prevent the deterioration of existing property in the City.
- (b) ***Purpose.*** The purpose of the housing and property maintenance code is to carry out the policy stated in subsection (a) by establishing minimum standards, and procedures for their enforcement consistent with the right to personal privacy, for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and Occupants of all buildings and properties within the City.
- (c) ***Objectives.*** The objectives of this code include, but are not limited to, the following:
 - (1) Property preservation and correction of properties that adversely affect the life, safety, health and general well-being of persons in the City.
 - (2) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to ensure the health and safety of Occupants of all buildings.
 - (3) The establishment of minimum standards for the maintenance of properties, both residential and non-residential.
 - (4) The prevention of blighted and deteriorated properties in the City.
 - (5) The preservation of the value of land and buildings throughout the City.
 - (6) The licensure of Rental Complexes and individual Rental Dwelling Units.
- (d) ***Intent; relation to the provisions of the City Code.***
 - (1) The City intends that the housing and property maintenance code be an integral part of the City's program of health, safety, building, and land use regulation. This code is to be construed liberally in conjunction with the provisions of the City Code to give effect to the policy, purpose, and objectives of this section, but is not to be construed to modify, amend or otherwise alter the provisions of the City Code relating to health, safety, building or land use regulation.
 - (2) It is the intent of the City to license Rental Complexes and single Rental Dwelling Units as the operation of letting Residential Property for rent is a business enterprise that

includes certain responsibilities. It is not the intention of the City to intrude upon the fair accepted contractual relationship between Tenant and landlord.

- (3) It is the intent of the City to require the correction of substandard building and property conditions and promote neighborhood stability within the City.
- (4) It is determined that certain conditions within existing buildings, lawful at the time of construction of the building, and not creating a hazardous condition, may not comply with the minimum requirements of this code. Such conditions are referred to as "built-in deficiencies," and the Code Official, in administering this code, may consider built-in deficiencies as being beyond reasonable correction and accept them as an alternate method of meeting the intent of the code.

Sec. 6-202. Adoption of the International Code Council (ICC) International Property Maintenance Code by reference.

- (a) **Code adopted.** Except as modified or amended herein, the ICC International Property Maintenance Code, 2006 Edition "2006 IPMC," in its entirety as published by International Code Council, Inc. is adopted by reference and is made a part of this Code as if fully set out at length, excluding only Sections 103, 106, 107, and 111. To the extent there is any discrepancy between this Article and the 2006 IPMC the terms of this Article shall control.
- (b) **Copy on file.** One copy of the ICC International Property Maintenance Code, 2006 Edition, will be kept on file in the office of the Code Official and available for public inspection.
- (c) **Modification.** The 2006 IPMC is hereby modified as follows:
 - (1) *Reserved.*

Sec. 6-203. Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

- (a) **Accessory Structure.** A structure of secondary or subordinate use to the principal structure.
- (b) **Code Official.** The Community Development Director shall be known as the Code Official and shall have the authority to designate additional staff, or deputies, to assist with the enforcement of this chapter. Those staff members charged with performing inspections and enforcing the provisions of this chapter shall be known as Code Officials while performing their duties.
- (c) **Dwelling Unit.** A Residential Building, or portion thereof, intended for Occupancy by a single Family but not including hotels, motels, or other similar non-residential uses. A Dwelling Unit can be rented or owned, attached, detached, or part of a Multiple Dwelling. When rented, a Dwelling Unit shall be viewed as a Rental Dwelling Unit.

(d) **Family.** means any of the following:

- (1) An individual; or
- (2) A group of not more than four individuals, none of whom are related by blood, marriage, adoption or foster care, but all of whom are maintaining a common Residence; or
- (3) Up to two adult individuals, whether related or unrelated, and the parents and children of each, if any, residing in the same Dwelling Unit and maintaining a common Residence; or
- (4) The combination of subsections (1) and (3), all maintaining a common Residence.

For the purposes of this definition, the term "maintaining a common Residence" shall mean sharing of access by all residents to all the following amenities (except those accessible only through a Bedroom) on the premises, subject to only infrequent exceptions: permanently installed cooking and kitchen facilities; eating areas; laundry facilities; Bathroom facilities; social areas such as living rooms and family rooms.

(e) **Multiple Dwelling.** A building containing three or more Dwelling Units that are attached whether or not the units are separated with property lines. Dwelling Units, common areas, underlying property and amenities shall be viewed as part of a Multiple Dwelling. When a building contains sleeping units, and is built/constructed using the International Building Code, it shall also be viewed as a Multiple Dwelling.

(f) **Non-residential Property.** Property that is not zoned residential or upon which a building, other than a Residential Building, or portion thereof, is located if within a residential zone.

(g) **Qualifying Relative.** A relative as defined by Minnesota Statute §273.124 Subd. 1 (c): a parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood or marriage. When a property is in a trust, the Qualifying Relative shall be the stated grantor(s) or grantee(s) as long as they meet the definition of Family.

(h) **Property Manager.** A Property Manager is a person that shall be responsible for maintenance and operation of licensed facilities and compliance with this article. The Property Manager shall be legally empowered to make repairs and corrections as necessary to meet the requirements of this article as well as receive notice(s) of violation, criminal and civil penalties, citations, fines, and other service of process documents.

(i) **Rental.** For the purposes of this article, Rental shall mean a Residential Building(s) or portion thereof, as well as the underlying property, structures, common areas and amenities that is/are let for rent with a term of at least 30 days or longer, including month-to-month lease arrangements or longer.

(j) **Rental Dwelling Unit.** A Dwelling Unit that is let as a Rental.

(k) **Rental Complex.** A Multiple Dwelling, group of Multiple Dwellings, and/or the portions thereof that is/are let as Rentals. Common areas, underlying property, structures and amenities shall be viewed as part of a Rental Complex.

(l) **Residence.** A Dwelling Unit viewed as a Family's fixed, permanent and principal home for legal purposes.

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- (m) **Residential Building.** A Dwelling Unit, Multiple Dwelling, or portion thereof that is Owner occupied or let as a Rental. Buildings that are located on the same property as a Residential Building, on a residentially zoned property, or are part of a Multiple Dwelling shall also be viewed as Residential Buildings.
 - (n) **Residential Property.** Property that is zoned residential or upon which a Residential Building, or portion thereof, is located if within a non-residential zone.
 - (o) **Roofing.** Roofing shall mean all of the components of a roof, including, but not limited to, sheathing, felt paper/similar, ice shield, finish material(s) (shingles, shakes, standing seam metal, etc.), roof/drip edge, and/or other material(s).
 - (p) **Transient Guest.** A person or persons renting, using, or occupying any portion of a Dwelling Unit(s) for fewer than 30 consecutive days.
 - (q) **Tenant.** Any adult person granted use of a Rental Dwelling Unit in exchange for rent payable to the owner of the Rental Unit.

Sec. 6-204. General regulations.

- (a) **Referenced codes and standards.** References to other codes and standards shall be deemed to reference the applicable Minnesota State Building Code as adopted in chapter 6 of the City Code, Minnesota State Fire Code as adopted in chapter 8 of the City Code, the City Code or other codes and standards referenced within Chapter 8 of the 2006 IPMC. The referenced codes and standards within Chapter 8 of the 2006 IPMC shall defer to the most current, or most applicable, version(s) of the referenced code(s) and standard(s).
- (b) **Standards.** The standards within Chapter 24, Article V. and Article VI., of the Woodbury City Code, shall be viewed as part of the housing and property maintenance code and shall be incorporated herein as written, per policy, per agreement or as approved by the Zoning Administrator.
- (c) **Screens.** Screens are required from April 1 to October 31. Screens shall be maintained in good condition and located as required within Section 304.14 of the 2006 IPMC.
- (d) **Heat.** The period of time heat shall be supplied shall be from September 1 to May 31.
- (e) **Minimum exterior lighting.** The Owner of a licensed Rental Complex or any Non-residential Property shall be responsible for providing and maintaining effective illumination in all exterior parking lots, vehicular access, yard areas, entrances and walkways. An average of one footcandle at the pavement is required not to exceed four footcandles at any property line.
- (f) **Clothes dryer exhaust.** Clothes dryer venting systems shall be independent of all other systems and shall be exhausted directly to the outside.
- (g) **Emergency escape.** Every sleeping room shall have at least one openable window or exterior door Approved for emergency escape or rescue.
- (h) **Plumbing fixtures.** Plumbing fixtures required by building or plumbing codes must be available to the Occupants of the building.

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- (i) **Lawn irrigation systems.** Lawn irrigation systems shall be maintained in good repair and operable condition.
 - (j) **Roofing.** Roofing, shall be maintained in good condition, free from defects and damage, and capable of performing its intended function.

Sec. 6-205. Fees.

- (a) **Fees, Fines and Charges.** The fees, fines and charges for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated within the fee schedule adopted by the City Council and found within Sec. 2-3 of the City of Woodbury Code of Ordinances and as charged by a private vendor when applicable.
- (b) **Assessment.** Unpaid fees for inspections related to housing maintenance code violations may be assessed as a special assessment against the underlying and/or benefited property per Minnesota Statute 429.101.

Sec. 6-206. Violations.

- (a) **Compliance Generally.** Any failure to comply with the terms of this Article for Residential Property and Non-residential Property shall be a violation of this Article.
- (b) **Compliance Order.** Any failure to comply with a notice of violation, compliance order or modified compliance order within the time set therein shall be a violation of this Article.
- (c) **Occupancy.** It shall be a violation of this Article for more than one Family to occupy a Dwelling Unit as a Residence or for an Owner to allow more than one Family to occupy the Owner's Dwelling Unit as a Residence.
- (d) **Continued violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Sec. 6-207. Penalties.

- (a) **Administrative procedures.** Any violation of this Article may be penalized by the issuance of an administrative citation and resolved in accordance with chapter 26, article III, administrative citations and civil penalties, of this Code.
- (b) **Misdemeanor prosecution.** Nothing in this section shall prohibit the City from seeking criminal prosecution under state statutes. Whoever violates any provision of this Article shall be guilty of a misdemeanor. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (c) **Other remedies.** Nothing in this section or Article shall be deemed to limit or prevent other remedies, injunctions, abatement procedures, or civil penalties available to the City under the City Code or State law.

Sec. 6-208. Rental Licensure of Dwelling Units and Multiple Dwellings.

- (a) **Scope.**

(1) This article applies to the letting of Multiple Dwelling(s) and single Dwelling Unit(s) as Rentals.

(2) This article does not apply to the following:

- a. Single Dwelling Units, not part of a Rental Complex, and occupied by an Owner(s) and/or Qualifying Relative(s) that adheres to the definition of Family.
- b. Nursing homes, or portions thereof, as defined within Chapter 24 of the Woodbury City Code, licensed by the State of Minnesota.
- c. Residential Property that has been sold on a contract for deed so long as the vendee occupies the property and the sale document used to memorialize the sale is a Minnesota uniform conveyancing blank or is recorded with the Washington County Recorder's Office and a copy is provided to the City upon request.
- d. Rental licensing fees do not apply to a Dwelling Unit owned by a member of the United States Armed Services who is on active duty and the property is rented to another person during the time of active duty. The Owner must provide the City with a copy of the Owner's current military orders and must occupy the property as the Owner's primary Residence when not on active duty.

(b) License.

No person shall let as a Rental a Residential Building without first having obtained a license to do so from the City.

(1) License Types. There shall be two types of Rental licenses.

- a. A Multiple Dwelling Rental License shall be required for Multiple Dwelling(s) when more than 50% of the units (dwelling or sleeping) within a shared building are let as Rentals and are under common ownership.
- b. A Single Dwelling Rental License shall be required for all other Dwelling Units that are let as a Rental.

(2) Application. An application for a license to let a Residential Building as a Rental shall be made by the Owner or Property Manager on a form provided by the City containing the information below and filed, along with all required fees, with the Code Official or designee. All applications shall thereafter be considered and Approved or denied by the Code Official or designee.

a. For all applications:

1. Identifying information

(a) For an individual or partnership,

(1) Full name, Address, and telephone number of the Owner(s)

(b) For a Corporation or other organization,

(1) The name of the corporation or business firm, and if incorporated, the state of incorporation;

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- (2) The name and address of the Registered Agent.
 - (3) The name of the manager(s), proprietor(s) or other agents(s) in charge of the business and all of the information concerning each manager, proprietor, or other agent(s).
 - (c) The full name, address, and telephone number of the Property Manager.
2. The address of the Rental;
 3. Statement of whether all taxes and special assessments due and owing on the premises on which the applicant proposes to operate the licensed business are current, and if taxes are delinquent, the years for which the taxes on the premises are delinquent (this information is required by the applicant only if the applicant or other entity in which the applicant has an interest has the legal duty to pay said property taxes or assessments due and owing);
 4. The name of the business if the business is to be operated under a name or designation other than the name of the applicant;
 5. Provide evidence of workers' compensation insurance as required by Minnesota Statutes §§176.181 - .182;
 6. Acknowledgment the property is in compliance with this Article and is free from hazardous conditions; and
 7. Such other information as the City shall require.
- b. For Single Dwelling Rental License applications:
 1. Submit a signed property maintenance checklist, on a City provided form, verifying that all items on the checklist have been inspected and verified to be in compliance. A Certificate of Occupancy inspection shall be accepted in lieu of the Owner submitted checklist for Rental Dwelling Units seeking Rental licensure within 1 year of the date of issuance of a certificate of Occupancy;
 - c. For Multiple Dwelling Rental License applications:
 1. Verify general liability insurance;
 2. Verify Fire Code Inspection has been completed within the last year.
- (3) *Action.* The Code Official or designee may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the Code Official or designee approves the license, the City shall issue the license to the Owner. If the Code Official or designee denies the license, notice of the denial shall be given to the applicant along with notice of the Owner's right to appeal the Code Official or designee's decision. The City may issue a license with conditions should there be outstanding violations in existence at the time of application. Any existing or outstanding violations shall be corrected within a time frame established by the Code Official. Failure to comply within the established time frame may cause suspension, revocation, denial, or nonrenewal of the license.

(4) *License period and renewal.* A license issued under this chapter shall be an annual license, expiring on December 31 of each year.

Any existing Rentals in the City as of the effective date of this article, shall file all required license applications hereunder, along with the license fees, no later than September 1, 2023.

A license may be annually renewed, provided the licensee complies with the renewal application process as follows:

- a. The licensee shall complete the renewal application materials provided by the City;
 - b. The completed renewal application materials, along with the license fee, shall be filed with the Code Official no later than license expiration;
- (5) *License and fees.* The license fees shall be determined by the City Council as set forth in chapter 2, administration, of this Code.
- a. All licenses shall expire on the last day of December in each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee.
- (6) *Revocation or suspension.* Any license issued under this article may be revoked or suspended as provided in section 6-208 (e) and (f) violations and penalties, of this Article.
- (7) *Transfers.* All Licenses issued under this Article shall be valid only on the premises for which the license was issued and only for the person(s) or entity to whom the license was issued. Any attempt at transfer to another location, person, or entity shall invalidate the license.
- (8) *Display of License.* A license shall be displayed on the premises of the Rental Complex or single Rental Dwelling Unit wherever feasible and produced upon request of a prospective Tenant, the Code Official or an authorized City representative.
- (9) *Issuance as a privilege and not a right.* The issuance of a license issued under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.
- (10) *Certificate of Incorporation.* The City may require Corporations or other organizations to provide a copy of the certificate of incorporation at any time.
- (11) *Assumed Name Certificate.* The City may require a licensee to provide a certified copy of a certificate required by Minnesota Statute §§333.01-.02 at any time.
- (12) *Fire Code Inspection.* Rental Complex common areas, fire suppression systems and alarms shall be subject to an annual Fire Code inspection and/or review performed by, or via direction from, the Code Official. The Code Official shall have the authority to enter any common area, Rental Dwelling Unit, or Sleeping Unit, at reasonable times to perform inspections necessary to enforce all applicable codes and ordinances. The Certificate of

Occupancy inspection shall be accepted in lieu of the annual fire code inspection for buildings seeking Rental licensure within 1 year of the date of issuance of a Certificate of Occupancy.

- (13) *Property Maintenance Checklist.* Single Rental Dwelling Units that are not part of a Rental Complex shall be inspected on an annual basis by the Owner, or by another under direct authorization from the Owner for compliance with the housing and property maintenance code. At the time of license application the applicant shall submit, on an approved form, a completed property maintenance checklist.
 - (14) *Zoning.* No license will be Approved unless the premises proposed to be licensed complies with all applicable zoning requirements.
 - (15) *Accessory Structure.* No license will be issued for an Accessory Structure.
 - (16) *Refunds.* No part of the fee paid for any license issued under this article shall be refunded.
 - (17) *Property Manager required.* A Property Manager shall be required when the Owner of a Rental property is a trust, corporation, organization, or similar classification as opposed to, or other than, a natural person(s). In addition, a Property Manager shall be required when an Owner is a natural person(s) and does not reside within 100 miles of the City of Woodbury. The Property Manager shall reside within 100 miles of the City of Woodbury.
 - (18) *Property Manager background check.* The Applicant/Owner shall comply with the Kari Koskinen Manager Background Check Act, Minnesota Statutes 299C.66 to 299C.71.
 - (19) *City Approved Rental License Training.* The Owner or Property Manager shall attend City Approved Rental license training as required.
 - (20) *Condition of Property.* It is the responsibility of the Owner to ensure that every Rental Complex and Rental Dwelling Unit, under their ownership, is maintained in compliance with all City ordinances and State and Federal laws, including but not limited to this Article.
 - (21) *Tenant register.* The license holder shall maintain a current register of Tenants and other persons who have a lawful right to Occupancy of a Rental Dwelling Unit(s). The register shall be available for inspection by the Code Official upon request.
- (c) **Inspections.** Housing and Property Maintenance Code inspections may be performed upon complaint, as required, and as deemed necessary to determine compliance with applicable codes and ordinances. There may be related fees.
- (1) The Code Official shall have the authority to enter and inspect Rental Complexes and Rental Dwelling Units, including unrented and unoccupied Rental Dwelling Units, at all reasonable times upon receipt of a complaint, as required by code or ordinance, or as deemed necessary by the Code Official.

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- (2) Inspections shall be subject to fees as per the fee schedule adopted by the City Council and found in Chapter 2 of the City Code. Such fees shall be charged to the property Owner and if not paid, assessed to the property.

(d) ***Basis for denial of license.***

The following shall be grounds for denying the issuance or renewal of a license under this article; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

- (1) The applicant fails to provide the license fee, any information required on the City license application, or provides false or misleading information.
- (2) The applicant has outstanding Building, Fire, Nuisance, Zoning or Housing and Property Maintenance Code violations, fines, penalties or delinquent property taxes, assessments, unpaid fees or utility charges owed to the City.
- (3) A development contract or land use requirement exists that restricts Rental Dwelling Units.
- (4) The applicant or Owner(s) is under the age of 18 years.
- (5) The applicant is a business that does not have a Property Manager who is eligible pursuant to this chapter.
- (6) Other unforeseen circumstances or conditions exist such that the issuance of a license may unreasonably endanger the health, safety, and welfare of the public, including, but not limited to, having a license previously revoked.

(e) ***Violations.*** It shall be a violation of this Article to:

- (1) Let as a Rental a Dwelling Unit(s) or Multiple Dwelling(s) without a license;
- (2) Let a Residential Property and/or Residential Building to Transient Guests.
- (3) Fail to comply with the Minnesota State Fire Code;
- (4) Let as a Rental a Dwelling Unit(s) or Sleeping Unit(s) that is deemed hazardous or uninhabitable;
- (5) Commit a felony related to the licensed activity as the property Owner or Property Manager;
- (6) Fail to provide updated information (provided at time of application) during the license period;
- (7) Fail to provide information as required by this ordinance upon request;
- (8) Make false statements on any application or other information or report required by this chapter to be given by the applicant or licensee;

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- (9) Fail to pay any application fee, inspection fee, penalty, invoice, re-inspection, reinstatement, or other fee required either by this article, City ordinance, City Council resolution, or by law;
 - (10) Fail to correct deficiencies in the time specified in a notice of violation, order, or action plan;
 - (11) Violate an Owner's duties under Minnesota Statutes sections 299C.66 to 299C.71 ("Kari Koskinen Manager Background Check Act");
 - (12) Have delinquent real estate or personal property taxes, special assessments, municipal utility fees and unpaid municipal fines;
 - (13) Endanger public health, safety, and welfare;
 - (14) The property Owner shall be responsible for the conduct of its agents and/or employees while engaged in normal business activities on the licensed premises. Any violation of this Article shall be considered an act of the property Owner or license holder for purposes of imposing a civil penalty or license suspension, revocation, denial or nonrenewal.

(f) ***Remedies and Penalties.***

- (1) *Action Plan.* The Code Official may require an action plan to be completed by the Owner or Property Manager that indicates the steps to be taken to correct identified violations and the measures to be taken to ensure ongoing compliance with City ordinances and applicable codes.
- (2) *Revocation and/or Suspension.* The Code Official may revoke or suspend a license under this Article for violations of the City Code including but not limited to Chapter 6, Chapter 8, Section 6-206 and/or Section 6-208 (e). Revocation, suspension or nonrenewal of a license shall not excuse the Owner/licensee from compliance with all terms of this chapter, the City Code, or other laws.
- (3) *Administrative procedures.* Any violation of this article may be penalized by the issuance of an administrative citation and resolved in accordance with chapter 26, article III, administrative citations and civil penalties, of this Code.
- (4) *Misdemeanor prosecution.* Nothing in this section shall prohibit the City from seeking criminal prosecution under state statutes. Whoever violates any provision of this Article shall be guilty of a misdemeanor. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (5) *Other remedies.* Nothing in this chapter, however, is deemed to limit other remedies or civil penalties available to the City under the City Code or State law.

(g) ***Appeal.***

- (1) *Notice of action.* If the Code Official or designee denies the issuance of a license or revokes a license that has been issued, then the Owner must be notified in writing of the decision the reasons for the denial or revocation and the Owner's right to appeal the denial or revocation by requesting, within 20 days of receiving notice of the denial or

revocation, a hearing before the City's selected impartial examiner. The City's selected impartial examiner shall hear the appeal within 20 days of the date of the request. The decision of the City's selected impartial examiner can be appealed by petitioning the state court of appeals for a writ of certiorari.

- (2) If an Owner wishes to appeal the imposition of a penalty, decision, notice, or other adverse action, but excluding the denial of license issuance or renewal or the suspension or the revocation of a license, which are subject to subpart (1) above, and request a hearing before the City's selected impartial examiner, then a written request for appeal must be received within 10 days of the date of such penalty, decision, notice, or other adverse action. A written request for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Sec. 6-209. Severability. If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.