

ORDINANCE NO. 753
2nd SERIES

**AN ORDINANCE AMENDING CITY CODE CHAPTER 5, SECTION 5.08, REGULATING
RENTAL UNIT REGISTRATION AND INSPECTION**

The City Council of the City of Alexandria does **ORDAIN**:

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SECTION I: PURPOSE AND FINDINGS

Subdivision 1. The Council Members of the City of Alexandria find that there is a need for periodic inspection of residential rental units in the City to ensure that such units meet City, County and State safety, health, fire, and zoning codes and to promote the public health, safety, and welfare of the community at large and the residents of rental units within the City.

Subdivision 2. The Council members find that a registration program is appropriate to effectively identify residential rental units.

SECTION II: DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

“Rental Unit” or “Residential Rental Unit” means any house, apartment, condominium, townhouse, room or group of rooms, constituting or located within, a dwelling and forming a single habitable unit which is leased or rented for occupancy.

“City” means the City of Alexandria, its Council and staff.

"Dwelling" means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

"Premises" means a dwelling unit and the grounds on which the structure containing the dwelling unit is located, or in the case of a multiple dwelling unit structure, the dwelling units and any common areas including those both inside and outside of the building and the grounds on which the dwelling units and/or common areas are located.

"Rent", "Lease", "Let" or "Sublet" means the leasing or a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

"Shall" and "must" as used in the Ordinance are each mandatory. "Should" and "may" as used in this ordinance are each permissive or directory.

"Registration Holder" means a person or entity to whom registration for a rental unit is issued under this ordinance.

"Local Property Manager" means a natural person residing within 50 miles of the City of Alexandria who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit, or a licensed, or bonded, and/or insured company engaged primarily in providing such services for hire.

SECTION III: REGISTRATION REQUIREMENTS

Subdivision 1. It shall be unlawful for any owner to rent or cause to be rented, leased or let within the City, any Rental Unit for occupancy unless that Rental Unit is registered for occupancy pursuant to a valid and current rental registration issued by the City of Alexandria.

Subdivision 2. Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 50 miles of the City of Alexandria, as specified in Section 5.08, Subd.2.H.

Subdivision 3. Any person or entity desiring to rent, let, lease or sublet any rental unit shall apply for registration by using forms furnished by the City for that purpose. The application must provide the following information:

- A. Name, address, telephone number, and email address, if any of the property owner.
- B. Name, address, telephone number, and email address, if any of the Local Property Manager.
- C. The street address of the rental property.
- D. The number of units within the rental property.
- E. The name, telephone number, address and email address, if any of the person authorized to make, or order made, repairs or services for the property if in violation of City or State codes, if the person is different from the owner or Local Property Manager.
- F. The name, telephone number, address and email address, if any, of the waste collection company serving the rental property, or any alternate method of waste disposal as authorized by City Code Section 2.70, Subd. 8.

SECTION IV: EXEMPTIONS

This Ordinance does not apply to campus dormitories and campus residence units owned, operated or managed by a governmental entity or agency, hospital units or rooms, nursing homes, assisted living facilities, retirement homes or other similar rental space which is registered by the State of Minnesota, or to a house, townhouse or condominium which is being "rented back" to its immediately prior owner.

SECTION V: MANNER OF REGISTRATION RENEWAL

Registration shall be required each calendar year and may be issued on a calendar year basis prior to January 1 of each successive year. The City will annually remind rental unit owners (or their designated Local Property Managers) of this requirement. Registration renewal forms must be delivered to the City no later than the 15th day of December each year. Failure of the City to issue reminder notice and/or failure of an owner (or Local Property Manager) to receive a reminder notice, does not excuse or waive the registration required by this Ordinance.

SECTION VI: TRANSFER OF PROPERTY

Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City the new owner's name, address, telephone number and fax number (and the name, address, telephone number and fax number of the new owner's designated Local Property Manager) before taking possession of the rental property upon closing the transaction. No new registration fee is required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

SECTION VII: POSTING OF REGISTRATION

Each rental unit registration holder must provide the currently valid rental unit certification to the tenant/renter of each unit in building with fewer than four (4) units. Buildings with four or more units and a common entry shall have the certification posted near the common entry. Buildings with four or more units and no common entry shall post the certification in a conspicuous location on the premises.

SECTION VIII: FEES

The fees for rental unit registration, registration renewal, late fees and inspection may be set by resolution of the Alexandria City Council adopted from time to time.

SECTION IX: MAINTENANCE OF RECORDS

All records, files and documents pertaining to rental unit registration and rental unit inspections will be maintained by the City and will be available to the public as allowed, permitted or required by State Law and City Ordinance.

SECTION X: MAINTENANCE STANDARDS

Every rental unit shall be maintained in a safe, sanitary, and habitable condition and in compliance with any standards or requirements imposed by state or local statutes, codes, ordinances, or other laws applicable to rental housing. In addition, the Minimum Housing Quality Standards (or successor standards) of the Department of Housing and Urban Development (hereinafter "HUD Housing Standards") shall be used as a guideline to govern use, occupancy, construction and maintenance of rental units. An alleged violation of the HUD Housing Standards shall create a rebuttable presumption of a violation of this section. This presumption may be rebutted by evidence and findings that the alleged violation does not relate to housing safety, sanitation, or habitability. In addition, for basement living units, or sleeping rooms below the ground floor, an egress window meeting the requirements of the Uniform Building Code, or another acceptable means of exit must be provided. Additionally, site conditions constituting a nuisance as described in Section 9.55 or elsewhere in the City Code shall be considered a violation of the Maintenance Standards of this Ordinance.

SECTION XI: INSPECTIONS AND INVESTIGATIONS:

Subdivision 1. Fire Department personnel, police officers, building department officials and their respective designees/representatives or "contractors" hired by the City, are hereby authorized to make inspections reasonably necessary to the enforcement of this Ordinance.

Subdivision 2. All persons authorized herein to inspect shall have the authority to enter, at reasonable times, and following 48 hours written notice to the property owner or designated Local Property Manager, any rental unit or structure containing a rental unit registered or required to be registered, for the purpose of enforcing this Ordinance. Property owner or designated Local Property Manager may be present while the inspection is being performed.

Subdivision 3. Written notice of a violation of this Ordinance may be given to the Registration Holder by mail directed to the address of the Registration Holder as shown by the City's registration application file. Said notice may contain a Compliance Order stating that compliance with this Ordinance shall be made immediately and, in that case, the notice shall advise the Registration Holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the City based on good cause.

Subdivision 4. A Registration Holder may appeal to the City Council the requirements of any Compliance Order by filing a written appeal with the City no later than ten (10) days after the date of issuance of the Compliance Order. Enforcement of the Compliance Order shall be stayed pending the decision of the City Council on the appeal.

SECTION XII: FAILURE TO GRANT REGISTRATION, REVOCATION, SUSPENSION OR FAILURE TO RENEW REGISTRATION

Subdivision 1. The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance.

Subdivision 2. Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the Registration Holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked, or not renewed if the Registration Holder complies with a compliance order or orders in a reasonably timely manner as determined by the City.

Subdivision 3. The City shall notify the applicant that registration has been denied, or the Registration Holder that registration is being suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification.

Subdivision 4. A determination by the City to deny, suspend, revoke or not renew registration of a rental unit may be appealed to the City Council of Alexandria by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City mails such determination to the applicant or Registration Holder. In that event, the appeal will be heard by the Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.

Subdivision 5. At any appeal of a determination by the City under this Ordinance, the Registration Holder or applicant, (Local Property Manager for the Registration Holder or applicant), or an attorney representing said party, may appear and make a presentation to the City Council. The City shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City based upon the provision of this Ordinance and upon the protection of the public health, sanitation safety or general welfare of the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.

Subdivision 6. A decision of the City Council made as provided in this section may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure and Minnesota Statutes.

SECTION XIII: SUMMARY ACTION

Subdivision 1. As a condition of receiving rental unit registration, each Registration Holder agrees and consents that when the conduct of any Registration Holder or Registration Holder's agent, representative, employee or lessee, or the condition of their rental unit or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the residents of the rental units so as to constitute a fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the City shall have the authority to summarily condemn or close individual rental units or such areas of the rental dwelling as the City deems necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall describe the units or areas affected. No person shall remove the posted notice, other than the Fire Marshal, building official or Fire Marshal set out in this Ordinance, may appeal the decision following the procedures set out in this Ordinance. The hearing shall be conducted in the same manner as provided in this Ordinance, however, the date of the hearing may be expedited with the consent of the Registration Holder.

Subdivision 2. The decision of the City set forth in this Subdivision is not voided by the filing of such appeal. Only after the hearing by the City Council has been held will the decision or action of the City be affected.

SECTION XIV: APPLICABLE LAWS

Registration Holders are subject to all of the ordinances and/or laws of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

SECTION XV: VIOLATIONS, INJUNCTIVE RELIEF:

Subdivision 1. Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety or other codes, ordinances and State laws for violations thereof, or

to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

Subdivision 2. Violation of this Ordinance is a misdemeanor. Violations include operation of a rental unit without proper registration and/or operation of a rental unit after revocation or suspension of registration. Each separate day on which a continuing violation occurs is a separate violation. Any written or oral agreement to rent or cause to be rented, leased or let, any Rental Unit that is in violation of this Ordinance is illegal as a matter of law.

SECTION XVI: WRITTEN NOTICES

Notices from the City required by this Ordinance shall be effective if personally delivered or if mailed to the addressee to the address shown in the City file pertaining to the rental unit involved in the notice.

SECTION XVII: SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.

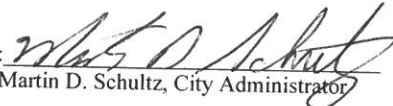
SECTION XIX: This ordinance shall be in full force and effect from and after its passage and publication, either in whole or by reference.


ADOPTED by the City Council of the City of Alexandria, Minnesota this 10th day of October, 2016, by the following vote:

YES: Kuhlman, Osterberg, Benson, Jensen

NO: Batesole

ABSENT: None

ATTEST: 
Martin D. Schultz, City Administrator


Sara Carlson, Mayor