

**CHAPTER 5
HOUSING AND BUILDING CODES, PERMITS AND REGULATIONS**

Section 5.01 **Adoption of Codes.**

Subd. 1. **Building code.** The Minnesota State Building Code, established pursuant to Minn. Stat. 16B.59 to 16B.73, one copy of which is on file in the office of the Building Official, is hereby adopted as set forth herein as the building code, including all codes, for the City of Alexandria. Such code(s) are hereby incorporated in this ordinance as completely as if set out in full.

A. The most current edition of the Minnesota State Building Code, pursuant to Minnesota Statutes, 16B.59 to 16B.75, includes all of the referenced amendments, rules and regulations and is hereby adopted by reference with the exception of the optional chapters, unless previously, separately, or subsequently adopted by City ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Source: Ord. 720-2nd Series
Effective Date: 1/12/15

1. **Chapter 1306** - Special Fire Protection Systems; subpart 3 - New Buildings shall be designed and installed fully throughout building with Fire Department connection on outside of building. Connection to the municipal water system is required only when the municipal water system is available to the site. All buildings shall connect when municipal water becomes available.

Source: Ord. 537-2nd Series
Effective Date: 6/28/04

2. **Chapter 1307** - Elevators and Related Devices;
3. **Chapter 1309** - Adoption of the International Residential Code;
4. **Chapter 1311** - Minnesota Conservation Code for Existing Buildings;
5. **Chapter 1315** - Adoption of the National Electrical Code;
6. **Chapter 1325** - Solar Energy Systems;
7. **Chapter 1330** - Fallout Shelters;
8. **Chapter 1335** - Floodproofing Regulations;
9. **Chapter 1341** - Minnesota Accessibility Code;
10. **Chapter 1346** - Adoption of the Minnesota Mechanical Code;
11. **Chapter 1350** - Manufactured Homes;
12. **Chapter 1360** - Prefabricated Buildings;

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13. **Chapter 1361** - Industrialized/Modular Buildings;
14. **Chapter 1370** - Storm Shelters (Manufactured Home Parks);
15. **Chapter 4715** - Minnesota Plumbing Code; and
16. **Chapter 7670, 7672, 7674, 7676, and 7678** - Minnesota Energy Code

Source: Ord. 720-2nd Series
Effective Date: 1/12/15

Subd. 2. The following appendix chapters of the Minnesota State Building Code are hereby adopted:

A. Excavation and Grading. Except that the fees for grading and fills shall be set forth in the 1988 Uniform Building Code, Tables 70-A and B.

Source: Ord. 504 - 2nd Series
Effective Date: 3/10/03

Section 5.02. **Establishment of Building Department.**

Subd. 1. **Establishment.** The Office of the Building Department is hereby established. The Building Department shall be under the jurisdiction of a State Certified Building Official designated by Resolution of the City Council.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 2. **Organization and Enforcement.** The organization of the Building Department and enforcement of the Code(s) shall be as established by Chapter 1 of the 2006 Edition of the International Building Code and including all other codes. The Code(s) shall be enforced within the incorporated limits of the City and within an area not exceeding a distance of two (2) miles from the Alexandria City limits as further described as in Alexandria Township, T128N, R37W - Section 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 20, 21, 22, 27, 28, 29, 32, and 33; in Hudson Township, T127N, R37W - Section 4, 5, 6, 7; in LaGrande Township, T128N, R38W - SE1/4 of the SE1/4 of 11, 12, 13, E1/2 of 14, 23 except NW1/4 of the NW1/4, 24, 25, 26, E1/2 of NE1/4 and E1/2 of SE1/4 and S1/2 of SW1/4 and SW1/4 of SE1/4 of SE1/4 of 27, 34, 35, and 36; in Lake Mary Township, T127N, R38W - Section 1, 2, E1/2 of 3, NE1/4 of the NE1/4 of 10, N1/2 and SE1/4 of 11, and 12.

Source: Ord. 625-2nd Series
Effective Date: 8/25/08

A. Unsafe Buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this ordinance or the Minnesota State Building Code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided by Minnesota Statutes Sections 463.15 through 463.261.

B. Responsibilities Defined. Every owner remains liable for violations of duties imposed upon them by this ordinance and the Minnesota State Building Code 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 or the Minnesota State Building Code.

Every owner, or owner's agent, in addition to being responsible for maintaining their building 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.

Every owner shall, where required by this ordinance, Minnesota State Building Code, the health ordinance or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy or control, shall dispose of all their rubbish, garbage and other organic waste in the manner required by law.

Every occupant shall, where required by this ordinance, the Minnesota State Building Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

C. **Board of Appeal.** In order to determine questions and appeals arising under this chapter and the Minnesota State Building Code as applied to the City of Alexandria, e.g., alternate materials and methods of construction, there shall be and is hereby created a Board of Appeals consisting of five members, who are not employees of the City of Alexandria, who are qualified by experience and training to pass upon matters pertaining to building construction. The Board shall be appointed by the City Council and shall serve at its pleasure. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decision and findings in writing to the appellant with a copy to the Building Department, and a copy to the Minnesota State Building Administrator.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Section 5.03. **Permits and Inspections.**

Subd. 1. **Building Permit Fees.**

A. **Permit Fees.** Building permit fees will be charged according to the estimated cost of the work to be done. The estimated cost will be determined by the administrative authority through consulting the established estimating procedures obtained from the building valuation data table from the State Building Codes and Standards Division.

B. Permit fees shall be charged in accordance with the fee schedule adopted by the City Council.

Source: Ord. 720-2nd Series
Effective Date: 1/12/15

C. **Class "A" and Class "B" Surcharges.**

1. A surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes, 16B.70.

Source: Ord. 720-2nd Series
Effective Date: 1/12/15

D. **Certificate of Occupancy.** Certificates of Occupancy shall be issued as stated in the International Building Code. A fee of \$10 shall be collected.

Source: Ord. 504-2nd Series
Effective Date: 3/10/03

E. **Surcharge.** In addition to the permit fees required, the applicant shall pay a surcharge in the amount fixed by law. The amount required by law shall be remitted quarterly to the Minnesota Department of Administration.

F. **Administrative Fee.** Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 2. **Plan-Checking Fees.** A Plan Review fee shall be charged as follows: 65% of the building permit fee for all buildings except for dwellings in which case 50% of the permit fee shall be charged. When a Plan Review is done on a plan in which a permit is not acquired within six months of Plan Review, the Plan Review fee shall be forfeited.

Source: Ord. 504-2nd Series
Effective Date: 3/10/03

Subd. 3. **Lapse of Permit.** Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if 1) the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or 2) if the building or work authorized by such permit is commenced and is thereafter suspended or abandoned for a period of 90 days unless such time is extended by Council, or 3) if the building or work authorized by such permit is commenced and is thereafter suspended so that the manufacturing material exposure warranty is exceeded.

Subd. 4. **Licensing.** No building permit shall be issued contrary to Minn. Stat. 326.84.

Subd. 5. **Building Moving Permits.**

A. **Scope.** The moving of any principal building within the Alexandria City building code enforcement area shall require an Initial Inspection Permit, a Conditional Use Permit, and a Building Permit. The moving of any building outside the Alexandria City building code enforcement area or the moving of any accessory building within the City Limits, shall only require a building permit.

B. **Moving Permits.** The Building Inspector shall issue building permits for moving buildings outside the City Limits and for accessory buildings moved within the City Limits. The applicant shall review the moving route and any site utility changes with the local utility companies, the Alexandria Police Department, and the Alexandria Park Department. The cost of utility changes and tree removal shall be the responsibility of the applicant. Copies of the moving permit shall be submitted to the Alexandria City Assessor and appropriate utility companies and retained in the Building Inspector's property files.

C. **Initial Inspection Permit.** All principal buildings moved within the City building code enforcement area require an Initial Inspection Permit. The Alexandria Building Inspector shall inspect the building to be moved, determine improvements necessary to bring the building into compliance with the building, electrical, mechanical and plumbing code requirements, and report such findings back to the applicant. The applicant shall review the moving route and any site utility changes with the local utility companies, the Alexandria Police Department, and the Alexandria Park Department. The cost of utility changes and tree removal shall be the responsibility of the applicant. The Initial Inspection Permit shall be retained in the Building Inspector's property file. If a building is moved, the fee for the initial inspection shall be applied to the building permit, if one is also required.

D. **Conditional Use Permit.** All principle buildings moved within the City Limits require a Conditional Use Permit. The City Planner shall process the conditional use application as set forth in Section 10.21 of the City Code. Each application shall designate the moving route, the site to which the building is to be moved, and the initial inspection report. Copies of the application shall be retained in the City Planner's property files and submitted to the appropriate utility companies and City departments. The applicant shall review the moving route with the local utilities and the Alexandria Park Department to

determine if any utilities or trees need to be moved.

E. **Building Permit.** Upon approval of the conditional use application, the applicant is responsible for obtaining a Building Permit from the Building Inspector.

Subd. 6 **Plumbing Permits**

A. **Permit Required.** It is unlawful for any person to construct, reconstruct, repair or maintain any system of pipes, drains or appurtenances connected with a sewer or water system without a permit therefor. Provided that no permit shall be required for removal of stoppage in waste or drain pipes, repair or replacement of faucets or repair of leaks in drain pipes.

B. **Permit Fees.** Plumbing permit fees will be charged according to the fee schedule below, with the exception that the minimum fee will be \$20.00.

C. **Administrative Fee.** Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

D. **Licensing.** No plumbing permit shall be issued contrary to Minn. Stat. §326.38 and 326.40.

Subd. 7. **Heating and Air Conditioning Permits.**

A. **Permit Required.** It is unlawful for any person to construct or install any heating or air conditioning plant or equipment in or for any building, or to alter or repair any such existing plant or equipment, without first obtaining a permit from the city.

B. **Conditions and Regulations.**

1. In making application, the City may require a complete set of plans and specifications.

2. Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each application for a permit. The building official may require that the plans or other data be prepared in accordance with the rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design, Chapter

1800 and Minnesota Statutes, section 326.02 to 326.15, and other state laws relating to plan and specification preparation by occupational licensees.

3. No permit shall be required in cases where the alterations or repair does not change the required capacity of the existing heating or air conditioning plant or equipment.

4. No permit shall be issued to a person not licensed as a master mechanical installer under the provisions of the city code.

C. **Administrative Fee.** Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall have an administration fee added, but the payment of such administration fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Source: Ord. 428-2nd Series
Effective Date: 1/11/99

Section 5.04. **Violations and Penalties.** Violation of Alexandria City Code Chapter 5 shall be a misdemeanor.

Source: Ord. 720-2nd Series
Effective Date: 01/12/15

Section 5.05. **Mechanical Contractors/Installers License.**

Subd. 1. **Licenses.**

A. Definitions:

1. For the purpose of this ordinance, certain words and terms used herein and hereby defined in the subdivisions of this section which follow; and they shall have the meaning herein ascribed thereto unless a different meaning is clearly indicated by the context in which they are used.

2. "Person" means any individual person, corporation, partnership, or association of individual persons.

Source: 335-2nd Series
Effective Date: 12/28/92

3. "Inspector" means those persons designated by the City Council to inspect heating equipment and devices and to enforce compliance with the provisions of the State of Minnesota Mechanical Code.

4. "Installer" means any person doing any work on any heating equipment subject to the provisions of this ordinance.

5. "Master Installer" means the installer who holds a permit for a particular job.

6. "Heating Contractor" means a person engaged in the business of doing any work on heating equipment subject to the provisions of this ordinance.

7. "Code" means the Minnesota Mechanical Code.

Source: Ord. 504-2nd Series
Effective Date: 3/10/03

8. "Engage in Business" means entering into agreement or contract with another person for the furnishing or installation of materials, apparatus or equipment or for the doing of any work on any equipment, such as are subject to the provisions of the code.

Subd. 2. **License Required.** No person shall engage in the business of installing, altering, soliciting, repairing or servicing of any heating, ventilating, cooling, refrigeration, incinerators, or other heat producing appliances without first securing a mechanical contractor's license from the City permitting them to engage in such business. Installers in the employment of the mechanical contractor shall be licensed as journeyman mechanic or apprentice mechanic. Mechanical permits shall be issued to master installers only or their approved agent. A journeyman or master mechanic shall be present at all jobs issued a permit while work on mechanical systems is being done.

Subd. 3. **Use of Licensee's Name by Another.** No person duly licensed as a master or journeyman mechanical installer shall allow their name to be used by another person for the purpose of obtaining permits, for doing business or for doing work under that license, and no one is permitted to use a licensee's name for stated purposes.

Subd. 4. **Qualifications to Obtain License.**

A. All applicants for a mechanical contractor's license, journeyman mechanic's, or apprentice mechanic's license shall successfully complete a written examination to be conducted by appointment at the Building Department office in the City of Alexandria, MN.

B. The written examination subject material shall be confined to the general nature of work for which the applicant is requesting to be licensed. It shall be of a nature that will assist the City to determine if the skill and ability of the applicant is of the level to enable them to construct, install, alter, maintain, service and repair mechanical systems in the City for the nature of work for which the applicant is examined.

C. A passing grade shall be seventy percent (70%) correct out of a possible one hundred percent (100%). Any applicant who fails to receive a passing grade will be eligible to take subsequent examinations following a thirty (30) day waiting period.

D. The names of all successful applicants shall be certified to the City Clerk which shall constitute a recommendation that the license be issued by the Council.

E. Neither a mechanical contractor's license, a journeyman mechanic's license nor an apprentice mechanic's license shall authorize the doing of any work which is subject to the provisions of the National Electrical Code or the Minnesota Plumbing Code.

F. The Building Official may approve licensing without examination, upon payment of fee, for non-licensed applicants who are licensed under the law of another jurisdiction. The Building Official will determine if the standards of the other jurisdiction are equivalent to those in this jurisdiction.

G. An exception to the written examination will be made if the applicant holds a heating contractors license from the City of Alexandria for 5 consecutive years or more.

H. Continuing education will be required for all license holders with at least eight (8) hours of mechanical education every year to maintain their journeyman mechanics licenses.

Subd. 5. **Application Procedures and Requirements for Obtaining a Mechanical Contractor License.**

1. Any individual person, corporation, partnership or association of individual persons desiring to engage in business as herein defined, within the City, shall first obtain a mechanical contractor's license for doing so from the Building Official.

2. A person desiring to obtain a mechanical contractor's license shall make written application to the Building Official for such license, stating therein the name of the individual person, corporation, partnership, or association of individual persons desiring such license and his, its or their place of business.

3. Upon the presentation to the Building Official of the foregoing application and upon approval by the City Council or city staff if the City Council has adopted a resolution delegating such approval to staff, the Building Official shall issue to such applicant the mechanical contractor's license.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Source: Ord. 711-2nd Series
Effective Date: 11/24/15

Subd. 6. **Homeowner Exempted.** Notwithstanding any other provision of this code or ordinances to the contrary, and where permitted by state law, permits may be issued to make repairs, additions, replacements, and alterations of any steam or hot water boiler, warm air furnace, air conditioning or ventilating equipment of any single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided there is no change in the required capacity of the systems involved and that all such work in connection therewith shall be performed only by the person who is the bona fide owner and occupant of such dwelling as his residence or a member of said owner-occupant's immediate family.

Source: Ord. 504-2nd Series
Effective Date: 3/10/03

Subd. 7. **Time of Permit.** Each installation shall be completed within ninety (90) days unless otherwise stated from the date of permit. Upon the expiration of said period, if the installer has not already requested final inspection, the heating inspector shall inspect the installation. If he finds (a) that the work of installation is not completed, he shall notify the

installer to complete the work with fifteen (15) days, or (b) if he finds that it does not comply with the provisions of this ordinance, he shall notify him in writing thereof, specifying in what respects it does not comply, and direct him to correct the deficiencies within fifteen (15) days. Upon the expiration of said fifteen (15) days, he shall again inspect the installation.

Subd. 8. **License Terms and Fees.**

1. Initial and renewal master, journeyman and apprentice licenses in the City shall be issued on a calendar year basis, expiring on December 31 of each year.

2. Fees:

- a. Mechanical contractor's license
 - Initial fee \$100.00
 - Renewal fee 50.00

- b. Journeyman and apprentice mechanic's license
 - Initial fee \$10.00
 - Renewal fee 10.00

3. The initial fee will be waived for those holders of current heating contractor licenses.

Source: Ord. 416-2nd Series
Effective Date: 7/13/98

Subd. 9. **License Suspension or Revocation.** The City Council may in its sole discretion and for any reasonable cause, upon notice and hearing, suspend or revoke any mechanical contractor/installer license issued pursuant to the Alexandria City Code.

Source: Ord. 638-2nd Series
Effective Date: 6/22/09

Section 5.06. **Minnesota State Fire Code.**

Subd. 1. **Purpose.** The Minnesota State Fire Code is hereby adopted to provide uniform fire safety standards governing maintenance of buildings and premises, regulate the storage, use and handling of dangerous and hazardous materials, substances, and processes; and regulate the maintenance of adequate egress facilities.

Subd. 2. **Scope.** The scope of the Minnesota State Fire Code shall be consistent with Minn. Stat. Section 229 F.011.

Subd. 3. Rules and Standards Adopted by Reference.

Adoption of the 2006 edition of the International Fire Code (IFC) including all appendix's promulgated by the International Code Council, (Falls Church, Virginia, December 1999) is incorporated by reference and made part of the Minnesota Rules pursuant to statutory authority, subject to alterations and amendments in this chapter. The International Fire Code is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, St. Paul, Minnesota 55155.

Source: Ord. 616-2nd Series
Effective Date: 2/11/08

Subd. 4. Enforcement. The Minnesota State Fire Code shall be enforced by the Fire Chief/Fire Marshal of the Fire Department of the City of Alexandria as established by Chapter 1 of the 2006 edition of the International Fire Code (IFC). The Fire Marshal position is appointed by the Fire Chief and City Council as the code official.

Source: Ord. 616-2nd Series
Effective Date: 2/11/08

Subd. 5. Definitions. Wherever the word "jurisdiction" is used in the Minnesota State Fire Code, it is the City of Alexandria.

Subd. 6. Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks. The storage of flammable or combustible liquids in outside aboveground tanks exceeding that allowed in the State Building Code is prohibited without a conditional use permit being issued by the City of Alexandria.

Subd. 7. Storage of Liquefied Petroleum Gases. The storage of liquefied petroleum gases in excess of that allowed in the State Building Code is prohibited without a conditional use permit issued by the City of Alexandria.

Subd. 8. Storage of Explosives and Blasting Agents. The storage of explosives and blasting agents is prohibited without a conditional use permit issued by the City of Alexandria.

Subd. 9. Appeals. Whenever the Fire Marshal refuses to approve a request, or when it is claimed that the provisions of the Minnesota State Fire Code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the Alexandria City Council within thirty (30) days from the date of the Fire Marshal decision.

Source: Ord. 507-2nd Series
Effective Date: 4/28/03

Subd. 10. **Penalties.** Any person who a) shall violate any of the provisions of this Code or fail to comply therewith, or b) who shall violate or fail to comply with any order made thereunder, or c) who shall build in violation of any detailed statement of specifications or plans submitted and approved

thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or d) who fails to comply with such an order as affirmed or modified by the fire marshal, within

the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor.

Source: Ord. 455-2nd Series
Effective Date: 11/27/00

Subd. 11. **Validity.** The Alexandria City Council hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 5.07. **Burning Permits.**

Subd. 1. **Open Burning Restrictions and Permits.** It shall be unlawful for any person to conduct or burn by open fire any materials within the City of Alexandria unless a permit therefor shall have been issued by the Alexandria Fire Marshal, the Alexandria Fire Chief, or the Assistant Chief of the Alexandria Fire Department consistent with the requirements set forth in Minnesota Rules Section 7005.0700 through 7005.0820, as the same may be hereafter amended from time to time.

Subd. 2. **Issuance of Permits.** Open burning permits may be issued by any of the herein identified persons, however, such permits must be secured in advance of the conduct of any open fire or burning within the City of Alexandria.

Subd. 3. **Fees.** The fee for securing an open burning permit shall be \$10.00 per application and permits shall be issued consistent with Minnesota Rules, the Uniform Fire Code and subject to the restrictions and regulations set forth therein, and upon the permit itself.

Subd. 4. **Persons Authorized.** The City Administrator shall, from time to time, inform the Minnesota Pollution Control Agency of the identity of the officers authorized under this Ordinance to issue permits and shall notify the Minnesota Pollution Control Agency of changes to such person's identification as the same may occur.

Source: Ord. 377-2nd Series
Effective Date: 10/10/95

Section 5.08. **Rental Unit Registration and Inspection.**

Subd. 1. **Purpose And Findings.**

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.

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

Subd. 2. **Definitions.** For purposes of this Ordinance, the following definitions shall apply:

A. "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.

B. "City" means the City of Alexandria, its Council and staff.

C. "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.

D. "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.

E. "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.

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

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

H. "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.

Subd. 3. **Registration Requirements.**

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.

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.

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 make, 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 alternative method of waste disposal as authorized by City Code Section 2.70, Subd. 8.

Subd. 4. **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 immediate prior owner.

Subd. 5. **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.

Subd. 6. **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.

Subd. 7. **Posting Of Registration.** Each rental unit registration holder must provide the currently value 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.

Subd. 8. **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.

Subd. 9. **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.

Subd. 10. **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.

Subd. 11. **Inspections And Investigations.**

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.

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.

3. Written notice of a violation of this Ordinance may be given to the Registration Holder by certified 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.

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.

Subd. 12. Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.

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

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.

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.

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.

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.

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.

Subd. 13. Summary Action.

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 their designated representative. Any person aggrieved by the decision or action of said 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.

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.

Subd. 14. **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.

Subd. 15. **Violations, Injunctive Relief.**

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.

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.

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Subd. 16. **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.

Subd. 17. **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.

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