

ORDINANCE NO. _____

AMENDING MUNICIPAL CODE SECTIONS
6.5-69(m); 6.5-72;
AND 6.5-73(b);
OF THE RENTAL HOUSING MAINTENANCE AND OCCUPANCY ORDINANCE
OF THE CITY OF WILLMAR, MINNESOTA

The City of Willmar does ordain as follows:

Section 1. Municipal Code Section 6.5-69(m) is amended to read as follows:

(m) Any person whose license to operate a rental housing unit has been suspended shall be entitled to a reconsideration of the order by an administrative conference or by an appeal in the manner hereinafter provided by this Ordinance. If no request for reconsideration or appeal reaches the Appropriate Authority within twenty-one (21) days following the issuance of the order of suspensions, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

Section 2. Municipal Code Section 6.5-72 is repealed and is replaced with the following:

Section 6.5-72. Appeals.

(a) There is hereby created a two-tiered appeals process. All appeals decisions and findings shall be made part of the public record.

(b) Step 1. Any person aggrieved by a notice of the Appropriate Authority issued in connection with any alleged violation of this Ordinance or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Appropriate Authority for an administrative conference with the Director of Planning and Development Services for reconsideration of such notice or order provided such application is made within fourteen (14) days after the date the notice or order was issued. Upon conclusion of an administrative conference for

reconsideration of notice or order, the Appropriate Authority shall prepare a summary of the conference and shall state the decision reached. Such summary and statement shall become part of the public record.

(c) Step 2. If the appeal is not settled in Step 1 of the process, any person aggrieved by a notice of the Appropriate Authority issued in connection with any alleged violation of this Ordinance, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Community Development Committee of the City Council for a reconsideration of such notice or order provided such application is made within fourteen (14) days after the date of the decision reached in Step 1.

(d) The Community Development Committee of the City Council, upon receipt of an appeal, shall set a time and place for a hearing and shall advise the applicant in writing by mail, postage prepaid to address of applicant, of such time and place, at least seven (7) days prior to the date of the hearing. At such a hearing the appellant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended, withdrawn, or a variance granted.

(e) The Community Development Committee shall recommend to the City Council that the Council sustain, modify, or withdraw the notice or order. In recommending an extension or variance of any notice or order, the Committee shall observe the following conditions:

(1) The Community Development Committee may recommend an extension of time for the compliance of any order or notice for not more than twelve (12) months subject to appropriate conditions and provided that the Committee/City Council make specific findings of fact based on evidence related to the following:

- a. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and
- b. That such an extension is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety, and general welfare.

(2) The Community Development Committee may recommend a variance in a specific case and from a specific provision of this Ordinance subject to appropriate conditions and provided the Committee/City Council make

specific findings of fact based on evidence related to the following:

- a. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and
- b. That the effect of the application of the provisions would be arbitrary in the specific case; and
- c. That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships; and
- d. That such variance is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety, and general welfare.

Section 3. Municipal Code Section 6.5-73(b) is amended to read as follows:

(b) The owner, occupant, operator or agent shall be afforded the opportunity to appeal, as soon as practicable, any order issued as per SECTION XVIII EMERGENCIES by following the procedure detailed in SECTION XVII APPEALS. Such appeal shall in no case stay the abatement or correction of such emergency.

Section 4. Summary Ordinance. This Ordinance is a summary ordinance published in accordance with Article II, Section 2.12, Subdivision 2(B), of the Willmar City Charter. The full text of the Ordinance is available at no cost to the public from the City Clerk's office.

Section 5. Effective Date. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by
Councilmember: _____

This Ordinance introduced

on: _____

This Ordinance published

on: _____

This Ordinance given a hearing

on: _____

This Ordinance adopted

on: _____

This Ordinance published

on: _____

ORDINANCE NO. _____

AMENDING ORDINANCE NO. 990
THE RENTAL HOUSING MAINTENANCE AND OCCUPANCY ORDINANCE
OF THE CITY OF WILLMAR, MINNESOTA

The City of Willmar does ordain as follows:

Section 1. That Ordinance No. 990, The Rental Housing Maintenance and Occupancy Ordinance, be amended as hereafter stated.

Ordinance Section

Amendment

XII Re-write Sub-Section 12.13 to read:

12.13 Any person whose license to operate a rental housing unit has been suspended shall be entitled to a reconsideration of the order by an administrative conference or by an appeal in the manner hereinafter provided by this Ordinance. If no request for reconsideration or appeal reaches the Appropriate Authority within twenty-one (21) days following the issuance of the order of suspensions, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

XVII SECTION XVII as previously adopted, is hereby repealed in its entirety, and a new SECTION XVII titled "APPEALS" shall read:

17.01 There is hereby created a two-tiered appeals process. All appeals decisions and findings shall be made part of the public record.

17.02 Step 1. Any person aggrieved by a notice of the Appropriate Authority issued in connection with any alleged violation of this Ordinance or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Appropriate Authority for an administrative conference with the Director of Planning and Development Services for reconsideration of such notice or order provided such application is made within

fourteen (14) days after the date the notice or order was issued. Upon conclusion of an administrative conference for reconsideration of notice or order, the Appropriate Authority shall prepare a summary of the conference and shall state the decision reached. Such summary and statement shall become part of the public record.

17.03 Step 2. If the appeal is not settled in Step 1 of the process, any person aggrieved by a notice of the Appropriate Authority issued in connection with any alleged violation of this Ordinance, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Community Development Committee of the City Council for a reconsideration of such notice or order provided such application is made within fourteen (14) days after the date of the decision reached in Step 1.

17.04 The Community Development Committee of the City Council, upon receipt of an appeal, shall set a time and place for a hearing and shall advise the applicant in writing by mail, postage prepaid to address of applicant, of such time and place, at least seven (7) days prior to the date of the hearing. At such a hearing the appellant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended, withdrawn, or a variance granted.

17.05 The Community Development Committee shall recommend to the City Council that the Council sustain, modify, or withdraw the notice or order. In recommending an extension or variance of any notice or order, the Committee shall observe the following conditions:

17.05.01 The Community Development Committee may recommend an extension of time for the compliance of any order or notice for not more than twelve (12) months subject to appropriate conditions and provided that the Committee/City Council make specific findings of fact based on evidence related to the following:

17.05.01.01 That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

17.05.01.02 That such an extension is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety, and general welfare.

17.05.02 The Community Development Committee may recommend a variance in a specific case and from a

specific provision of this Ordinance subject to appropriate conditions and provided the Committee/City Council make specific findings of fact based on evidence related to the following:

17.05.02.01 That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

17.05.02.02 That the effect of the application of the provisions would be arbitrary in the specific case; and

17.05.02.03 That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships; and

17.05.02.04 That such variance is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety, and general welfare.

XVIII

Re-write Sub-Section 18.02 to read:

18.02 The owner, occupant, operator or agent shall be afforded the opportunity to appeal, as soon as practicable, any order issued as per SECTION XVIII EMERGENCIES by following the procedure detailed in SECTION XVII APPEALS. Such appeal shall in no case stay the abatement or correction of such emergency.

Section 2. This Ordinance is a summary ordinance published in accordance with Article II, Section 2.12, Subdivision 2(B), of the Willmar City Charter. The full text of the Ordinance is available at no cost to the public from the City Clerk's office.

Section 3. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by
Councilmember: _____

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on: _____

This Ordinance given a hearing

on: _____

This Ordinance adopted

on: _____

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on: _____

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE OCCUPANCY AND MAINTENANCE OF RENTAL HOUSING IN THE CITY OF WILLMAR, ESTABLISHING MINIMUM STANDARDS, THEREFORE, CREATING A RENTAL UNIT LICENSING PROGRAM, PROVIDING FOR A SYSTEM OF ADMINISTRATION, ENFORCEMENT, AND APPEALS, AND ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

The City of Willmar does ordain as follows:

SECTION I

GENERAL PROVISIONS

The following general provisions shall apply in the interpretation and enforcement of this Ordinance:

1.01 Legislative Finding. It is hereby found that there exists and may in the future exist, within the City of Willmar, Minnesota, residential rental premises, dwellings, dwelling units, rooming units or parts thereof, and renter-occupied mobile homes which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect, or are likely to affect adversely, the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

1.02 Purposes. It is hereby declared that the purpose of this Ordinance is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned rental units for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all rental housing units (as defined herein) now in existence or hereafter constructed. It is hereby further declared that the purpose of this Ordinance is to insure that the quality of rental housing units is adequate for protection of public health, safety, and general welfare, including: establishment of minimum standards for basic equipment and facilities, for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators, and occupants of dwellings; and provision for the administration and enforcement thereof.

1.03 Scope. The provisions of this Ordinance shall apply uniformly to the construction, maintenance, use, and occupancy of all residential rental units and structures, inclusive of rental units in mixed-use structures where applicable, and to all renter-occupied mobile homes, and shall apply uniformly to the alteration, repair, equipment, use, occupancy, and maintenance of all existing residential rental units and structures, inclusive of

rental units in mixed-use structures, and to all renter-occupied mobile homes within the jurisdiction of the City of Willmar, Minnesota, irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. However, the provisions of this Ordinance shall not apply to any county, state, or federally licensed facilities/units.

1.04 Title. This Ordinance shall be known and may be cited as the Rental Housing Maintenance and Occupancy Ordinance of the City of Willmar, Minnesota, hereinafter referred to as "this Ordinance."

SECTION II

DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

2.01 Accessory Building or Structure shall mean a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

2.02 Appropriate Authority shall mean that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code or that agency which is specifically designated to deal with situations related to a specific issue pertaining to this Ordinance.

2.03 Approved shall mean approved by the local or state authority having such administrative authority.

2.04 Ashes shall mean the residue from the burning of combustible materials.

2.05 Attic shall mean any story situated wholly or partly within the roof, and so designed, arranged, or built as to be used for business, storage, or habitation.

2.06 Basement shall mean the lowest story of a building, below the main floor and wholly or partially lower than the surface of the ground.

2.07 Building shall mean a fixed construction with walls, foundation, and roof, such as a house, factory, garage, etc.

2.08 Bulk Container shall mean any metal garbage rubbish, and/or refuse container having a capacity of two (2) cubic yards or greater, and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading, and/or removal.

2.09 Cellar shall mean a room or group of rooms totally below the ground level and usually under a building.

2.10 Central Heating System shall mean a single system supplying heat to one (1) or more dwelling units(s) or more than one (1) rooming unit.

2.11 Chimney shall mean a vertical masonry shaft of reinforced concrete, or other approved noncombustible heat resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

2.12 Dilapidated shall mean no longer adequate for the purpose or use for which it was originally intended.

2.13 Dormitory shall mean a building or a group of rooms in a building used for institutional living and sleeping purposed by four (4) or more persons.

2.14 Dwelling shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking, and eating; provided that temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction which conform to nationally accepted industry standards and are used or intended for use for living, sleeping, cooking, and eating purposes shall be classified as dwellings. Mobile homes are included in this definition.

2.15 Dwelling Unit shall mean a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking, and eating purposes.

2.16 Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

2.16.01--Egress Window shall mean a window meeting the specifications in UBC Section 1204.

2.17 Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

2.18 Fair Market Value shall mean a price at which both buyers and sellers are willing to do business.

2.19 Family shall mean one or more individuals living together and sharing common living, sleeping, cooking, and eating facilities. (See also Household)

2.20 Flush Water Closet shall mean a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.

2.21 Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

2.22 Grade shall mean the finished ground level adjacent to a required window.

2.23 Guest shall mean an individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

2.24 Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes, and utility rooms of less than fifty (50) square feet of floor space, foyers, or communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas.

2.25 Health Officer shall mean the County Sanitation Officer or an authorized representative who is the legally designated health authority of the County of Kandiyohi in which the City of Willmar is situated.

2.26 Heated Water shall mean water heated to a temperature of not less than 120 degrees Fahrenheit at the outlet.

2.27 Heating Device shall mean all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

2.28 Household shall mean one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities. (See also Family)

2.29 Infestation shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

2.30 Kitchen shall mean any room used for the storage of foods, preparation of foods, and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

2.31 Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

2.32 Lead-based Paint shall mean any paint containing more lead than the level established by the U.S. Consumer Safety Commission as being the "safe" level of lead in residential paint and paint products.

2.33 Meaning of Certain Words: Whenever the words "dwelling," "dwelling unit," "rooming units," "premises," "structure," are used in the Ordinance, they shall be construed as though they were

followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine, and the feminine the masculine.

2.34 Multiple Dwelling shall mean any dwelling containing more than two (2) dwelling units.

2.35 Occupant shall mean any individual, over one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.

2.36 Operator shall mean any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

2.37 Ordinary Summer Conditions shall mean a temperature ten (10) degrees Fahrenheit below the highest recorded temperature in the locality for prior ten (10) year period.

2.38 Ordinary Winter Conditions shall mean a temperature 15 degrees Fahrenheit above the lowest recorded temperature in the locality for prior ten (10) year period.

2.39 Owner shall mean any person who, along or jointly or severally with others:

(a) shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, or

(b) shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, the same extent as if he were the owner.

2.40 Permissible Occupancy shall mean the maximum number of individuals permitted to reside in a dwelling unit, rooming unit, or dormitory.

2.41 Person shall mean and include any individual, firm, corporation, association, partnership, cooperative, or governmental agency.

2.42 Plumbing shall mean and include all of the following supplied

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

2.43 Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure, or other structure thereon.

2.44 Privacy shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

2.45 Properly Connected shall mean connected in accordance with all applicable codes and ordinances of this City of Willmar, Minnesota, as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

2.46 Rat Harborage shall mean any conditions or place where rats can live, nest, or seek shelter.

2.47 Ratproofing shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing, or other methods, by the use of materials pervious to rat gnawing and other methods approved by the Appropriate Authority.

2.48 Refuse shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

2.49 Refuse Container shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating insanitary conditions, or such other containers as have been approved by the Appropriate Authority. Openings into the container such as covers and doors shall be tight fitting.

2.50 Rental Unit shall mean any dwelling, dwelling unit, rooming house, or rooming unit which is leased to another party and any renter-occupied mobile home.

2.51 Rooming House shall mean any dwelling other than a hotel or motel, or that part of any dwelling, containing one (1) or more rooming units, and/or one (1) or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.

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

2.53 Rubbish shall mean nonputrescible solid wastes (excluding ashes) consisting of either:

(a)combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or

(b)noncombustible wastes such as tin cans, glass, and crockery.

2.54 Safety shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

2.55 Space Heater shall mean a self-contained, heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area, such as one (1) room or two (2) adjoining rooms.

2.56 Supplied shall mean paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

2.57 Temporary Housing shall mean any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

2.58 Toxic Substance shall mean any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

2.59 Variance shall mean a difference between that which is required or specified and that which is permitted.

2.60 Undefined Words: Words not specifically defined in this Ordinance shall have the common definition set forth in a standard dictionary.

SECTION III

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

3.01 No owner or other person shall occupy or let to another person any rental unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Minnesota and the City of Willmar, Minnesota.

3.02 Every owner of a rental unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

3.03 Every occupant of a rental unit shall maintain in a clean and sanitary condition that part or those parts of the rental unit and premises thereof that he occupies and controls.

3.04 Every occupant of a rental unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner.

3.05 Every occupant of a rental unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, and safe manner. All garbage cans and refuse containers shall be ratproof, insectproof, watertight, structurally strong to withstand handling stress, easily filled, emptied, and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition. Plastic bags may be used as garbage and refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse.

3.06 The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.

3.07 Every owner of rental units containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

3.08 The owner of a rental unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Ordinance or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance, or

replacement of screens, storm doors, and windows, once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

3.09 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

3.10 No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit.

3.11 No owner of a dwelling containing three (3) or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises.

3.12 No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.

3.13 Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

3.14 In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 65 degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of thirty-six (36) inches above the floor level.

3.15 Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, e.g. lead-based paint, as determined by the Appropriate Authority.

3.16 No owner or occupant shall apply a lead-based paint to any surface in any dwelling, dwelling unit, rooming house, and/or rooming unit.

SECTION IV

MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

No person shall occupy or let to another person for occupancy any rental unit, for the purposes of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

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

4.01.01 A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Appropriate Authority and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system approved by the Appropriate Authority.

4.01.02 Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not under ordinary summer conditions require refrigeration for safe keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

4.01.03 A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at temperatures less than 45 degrees Fahrenheit but more than 32 degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary, and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same upon occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or similar devices are provided.

4.02 Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all

times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be properly connected to a sewer system which is approved by the Appropriate Authority.

4.03 Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Appropriate Authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the Appropriate Authority. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

4.04 Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same rooms as the flush water closet or in another room, and shall be properly connected to a water supply system which is approved by the Appropriate Authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the Appropriate Authority. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

4.05 Every dwelling unit shall have at least two (2) means of egress [two (2) doors, or one (1) door and one (1) egress window] leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two (2) or more approved means of egress leading to safe and open space at ground level, or as required by the laws of this State and this City of Willmar, Minnesota. Bedrooms located below the fourth (4th) floor shall be provided with an exterior door or window of such dimensions to be used as a means of emergency egress.

4.06 Structurally sound handrails shall be provided on any steps containing four (4) risers or more. Porches, patios, and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guard or handrails.

4.07 Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

4.08 No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors leading directly into the dwelling or dwelling unit are equipped with functioning locking

devices.

SECTION V

MINIMUM STANDARDS FOR LIGHT AND VENTILATION

No person shall let to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the requirements of this section:

5.01 Every habitable room shall have at least one (1) window or skylight facing outdoors provided that, if connected to a room or area used seasonally (e.g. porch), adequate daylight must be possible through this interconnection.

5.02 Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately provided that, if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection.

5.02.01 When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures containing dwelling units or rooming units, such facilities shall be maintained and operated in a continuous manner and in accordance with the designed capacity of the installed equipment.

5.03 Every bathroom and water closet compartment, and non-habitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms contained in Subsection 5.01 and 5.02, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition, which is approved by the Appropriate Authority.

5.04 Where there is usable electric service readily available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the City of Willmar, Minnesota. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

5.04.01 Every dwelling unit shall be supplied with at least one (1) 15-ampere circuit, and such circuit shall not be shared with another dwelling unit.

5.04.02 Every habitable room shall contain at least two separate wall-type duplex electric convenience outlets, or one (1) such duplex convenience outlet and one (1) supplied wall or ceiling type electric light fixture. No duplex outlet shall serve more than two (2) fixtures or appliances.

5.04.03 Temporary wiring or extension cords shall not be used as permanent wiring.

5.04.04 All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.

5.05 Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide in all parts thereof at least ten (10) footcandles of light at the tread of floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

SECTION VI

MINIMUM THERMAL STANDARDS

No person shall occupy or let to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the following requirements:

6.01 Every dwelling shall have heating equipment and appurtenances which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit at a distance of thirty-six (36) inches above floor level under ordinary winter conditions.

6.02 No owner or occupant shall install, operate, or use a heating device, including hot water heating units, which employs the combustion of carbonaceous fuel which is not vented to the outside of the structure in an approved manner, and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed, and operated in such a manner as to minimize accidental burns.

SECTION VII

GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

No person shall occupy or let to another for occupancy any rental unit, for the purpose of living therein, which does not comply with the following requirements:

7.01 Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, and appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

7.02 Every foundation, roof, exterior wall, door, skylight, and window shall be reasonably weather-tight, water-tight, and damp-free, and shall be kept in sound condition and good repair. Floors, interior walls, and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants. Re-painting or other "cosmetic" repairs may be required when conditions requiring the repair pose a threat to the health or safety of the occupants, or when the structural/physical integrity of the dwelling is adversely affected.

7.03 Every premise shall be graded, drained, free of standing ground water, and maintained in a clean, sanitary, and safe condition.

7.04 Unless other provisions are made, existing gutters, leaders, and down-spouts shall be maintained in good working condition as to provide proper drainage of storm water.

7.05 Every window, exterior door and hatchway, or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies, and other insects.

7.05.01 Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall have supplied property fitting screens with a self-closing device.

7.05.02 Every window or other device with openings to outdoor space, used for ventilation, shall be supplied with screens.

7.06 Every dwelling, multiple dwelling, rooming house, or accessory structure and the premises on which located shall be maintained in a ratfree and ratproof condition.

7.06.01 All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level, and all exterior doorways which might provide an entry for rats, shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the structure.

7.06.02 All sewers, pipes, drains, conduits, and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.

7.06.03 Interior floors of basements, cellars, and other areas in contact with the soil shall be ratproofed in an approved manner.

7.06.04 Materials stored outside the dwelling shall be stacked and elevated so that there will be at least an eighteen (18) inch opening between the material and the ground level so as to prevent the creation of a rat harborage area. No stacking or piling of material shall take place against the exterior walls of the structure.

7.06.05 Any materials used for ratproofing shall be acceptable to the Appropriate Authority.

7.07 Accessory structures present or provided by the owner, agent, or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives. Re-painting or other "cosmetic" repairs may be required when conditions requiring the repair adversely affect the physical/structural integrity of the accessory structure.

7.08 Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition.

7.09 Every water closet compartment, bathroom, and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water, so as to permit such floor to be easily kept in a clean and sanitary condition.

7.10 Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or

utility which is present in a dwelling or dwelling unit, or which is required under this Ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances, and regulations of this City of Willmar and the State of Minnesota.

7.11 No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Appropriate Authority.

7.12 All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances, and regulations dealing with fire protection of this City of Willmar and the State of Minnesota (e.g. smoke detectors, fire extinguishers, etc.).

SECTION VIII

MAXIMUM DENSITY, MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

No person shall occupy or let or be occupied any rental unit, for the purpose of living therein, unless there is compliance with the requirements in this section:

8.01 The maximum occupancy of any dwelling unit shall not exceed the following requirement:

8.01.01 For the first occupant there shall be at least one hundred fifty (150) square feet of floor space, and there shall be at least one hundred (100) square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.

8.02 The ceiling height of any habitable room shall be at least seven (7) feet; except that, in any habitable room under a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least seven (7) feet, and the floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

8.03 No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar, or to the exterior of the dwelling unit.

8.04 Every dwelling unit shall have closet/storage space for the personal effects of each permissible occupant.

SECTION IX

ROOMING HOUSE, ROOMING UNITS, DORMITORIES, DORMITORY ROOMS

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of every section of this Ordinance. No owner shall let to another person any rooming unit or dormitory room unless it is clean and sanitary, and complies with all applicable requirements of the City of Willmar, Minnesota.

9.01 No person shall operate a rooming house unless he holds a valid rental registration license issued by the Appropriate Authority in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the Appropriate Authority upon compliance by the operator with the applicable provisions of this Ordinance and of any rules and regulations adopted pursuant thereto. This license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a permit shall give notice in writing to the Appropriate Authority within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house license shall expire at the end of one (1) year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

9.02 At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Appropriate Authority and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities, provided:

9.02.01 That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one (1) water closet.

9.02.02 That all such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than

one (1) floor above or below the rooming unit or units served.

9.02.03 That every lavatory basin and bathtub or shower stall be supplied with heated and unheated water under pressure at all times.

9.03 The following provisions shall apply in all rooming houses and dormitories.

9.03.01 Cooking in dormitory rooms and rooming units is prohibited.

9.03.02 Communal cooking and dining facilities in a rooming house are prohibited, except as approved by the Appropriate Authority in writing.

9.03.03 All food service and dining facilities provided in a rooming house or dormitory for the occupants of same shall comply with applicable food service legislation.

9.03.04 Access doors to rooming units and dormitory rooms shall have operating locks to insure privacy.

9.04 Every rooming unit shall comply with all the requirements of this Ordinance pertaining to a habitable room.

9.04.01 Every rooming unit shall contain closet/storage space for each occupant.

9.05 Every rooming unit shall have immediate access to two (2) or more approved means of egress, appropriately marked, leading to safe and open space at ground level or as required by the appropriate statutes, ordinances, and regulations of this City of Willmar and the State of Minnesota.

9.06 Structurally sound handrails shall be provided on any steps containing four (4) risers or more. Porches, patios, and/or balconies located more than three (3) feet higher than the adjacent areas shall have structurally sound protective guard or handrails.

9.07 Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.

SECTION X

**ADOPTION OF PLANS OF INSPECTION BY
THE APPROPRIATE AUTHORITY**

10.01 The Appropriate Authority is hereby authorized and directed to develop and adopt plans for the inspection of rental units subject to the provisions of this Ordinance, including:

10.01.01 A plan for the periodic inspection of multiple dwellings and rooming houses subject to the provisions of Section XII, governing the licensing of the operation of such dwellings.

10.01.02 A plan for the systematic inspection of rental housing units contained within this City of Willmar as may from time to time be designated by the Appropriate Authority.

10.02 Before making inspections pursuant to a plan authorized in Paragraph 10.01.02, the Appropriate Authority shall advise the public of the plan to inspect.

SECTION XI

INSPECTIONS: POWERS AND DUTIES OF THE APPROPRIATE AUTHORITY

11.01 The Appropriate Authority shall enforce the provisions of this Ordinance and is hereby authorized and directed to make inspections pursuant to one (1) or more of the plans for inspection authorized by Section 10.01; or in response to a complaint that an alleged violation of the provisions of this Ordinance or of applicable rules or regulations pursuant thereto may exist; or when the Appropriate Authority has valid reason to believe that a violation of this Ordinance or any rules and regulations pursuant thereto has been or is being committed. In the event of a tenant complaint, the Appropriate Authority shall attempt to contact the owner/manager to verify and clarify the complaint prior to acting on the complaint.

11.02 The Appropriate Authority is hereby authorized to enter and inspect between the hours of 8 a.m. and 5 p.m. all rental units subject to the provisions of this Ordinance for the purpose of determining whether there is compliance with its provisions.

11.03 The Appropriate Authority is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitories, and dormitory rooms subject to this Ordinance, for the purpose of determining whether there is compliance with its provisions.

11.04 The Appropriate Authority and the owner, occupant, or other person in charge of a rental unit subject to this Ordinance may agree to an inspection by appointment at a time other than the hours provided in Paragraph 11.02 by this Ordinance.

11.05 The owner, occupant, or other person in charge of a rental unit, upon presentation of proper identification by the Appropriate Authority, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the Appropriate Authority entry and free access to every part of the rental unit or to the premises surrounding any of these.

11.06 The Appropriate Authority shall keep confidential all information exclusive of the inspection record, which it may discover or obtain in the course of an inspection made pursuant to this section, and such information shall be considered privileged.

11.07 If any owner, occupant, or other person in charge of a rental unit subject to licensing under Section XII, fails or refuses to permit free access and entry to the structure or

premises under his control, or any part thereof, with respect to which an inspection authorized by this Ordinance is sought to be made, the Appropriate Authority may, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling, or rooming house, petition and obtain such order from a court of competent jurisdiction.

11.07.01 When required, the Appropriate Authority shall obtain the necessary order from the court to conduct the inspection.

SECTION XII

LICENSING OF THE OPERATION OF ALL RESIDENTIAL RENTAL UNITS AND STRUCTURES (INCLUSIVE OF RENTAL UNITS IN MIXED-USE STRUCTURES AND RENTER-OCCUPIED MOBILE HOMES)

12.01 No person shall operate a rental unit unless he holds a current, unrevoked operating license issued by the Appropriate Authority in his name for the specific named rental unit. Failure to comply with this requirement shall result in certain fees being charged to the owner as per the schedule set forth in the Housing Inspection Plan.

12.02 Every operating license shall be issued for a period of time in accordance with the plan for the systematic inspection of rental housing units to be developed by the Appropriate Authority pursuant to Section X of this Ordinance.

12.03 The Appropriate Authority is hereby authorized upon application therefore to issue new operating licenses, and renewals thereof, in the names of applicant owners or operators of rental housing units. No such licenses shall be issued unless the rental housing unit in connection with which the license is sought is found after inspection to meet all applicable requirements of this Ordinance and applicable rules and regulations pursuant thereto.

12.04 No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefore on an application form provided by the Appropriate Authority. The Appropriate Authority shall develop such forms and make them available to the public.

12.05 No operating license shall be issued or renewed unless the applicant owner or operator agrees in his application to such inspection pursuant to Sections 10.01 and 11.01 as the Appropriate Authority may require to determine whether the rental housing unit in connection with which such license is sought is in compliance with the applicable provisions of this Ordinance and with applicable rules and regulations pursuant thereto.

12.06 No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee pursuant to the schedule of fees included in the inspection plan developed by the Appropriate Authority.

12.07 No operating license shall be issued or renewed for a nonresident applicant, (a property owner living outside Kandiyohi County), unless such applicant designates in writing to the

Appropriate Authority the name of his agent for the receipt of service of notice of violation of the provisions of this Ordinance and for service of process pursuant to this Ordinance.

12.08 No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this Ordinance, when said applicant is absent from this City of Willmar, Minnesota, for thirty (30) or more days. Such a designation shall be made in writing, and shall accompany each application form.

The applicant may designate any person residing in Kandiyohi County as his agent for this purpose, or may designate the Appropriate Authority as his agent for this purpose.

12.09 No operating license shall be renewed unless an application therefore has been made within sixty (60) days prior to the expiration of the present operating license.

12.10 Each license shall be displayed in a conspicuous place within the rental housing units. Any license for a particular property shall be transferrable to another person, provided that the person holding the operating license must give notice in writing to the Appropriate Authority within fifteen (15) working days after having transferred or otherwise disposed of the legal control of the licensed rental housing unit. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rental housing unit. Failure to provide proper notification of a transfer of property shall be cause for the property to be re-registered and the appropriate fee charged.

12.11 Whenever, upon inspection of the licensed rental housing unit, the Appropriate Authority finds that conditions or practices exist which are in violation of the provisions of this Ordinance or of any applicable rules and regulations pursuant thereto, he shall serve the owner or operator with notice of such violation in the manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within a reasonable time, the operating license may be suspended.

12.12 At the end of the time he has allowed for correction of any violation cited, the Appropriate Authority shall reinspect the rental housing unit and, if he determines that such conditions have not been corrected, he may issue an order suspending the operating license.

12.13 Any person whose license to operate a rental housing unit has been suspended shall be entitled to a reconsideration of the order by an administrative conference or by an appeal to the

Housing Code Appeals Board in the manner hereinafter provided by this Ordinance. If no request for reconsideration or appeal reaches the Appropriate Authority within twenty-one (21) days following the issuance of the order of suspensions, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

12.14 If, upon reinspection, the Appropriate Authority finds that the rental housing unit in connection with which the notice was issued is now in compliance with this Ordinance and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for reinspection shall not extend the suspension period unless the Appropriate Authority grants such request.

SECTION XIII

NOTICE OF VIOLATION

13.01 Whenever the Appropriate Authority determines that any rental dwelling or dwelling unit, rooming unit, or the premises surrounding any of these fail to meet the requirements set forth in this Ordinance or in applicable rules and regulations issued pursuant thereto, the Appropriate Authority in accordance with existing legislation shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:

13.01.01 Be in writing.

13.01.02 Set forth the alleged violations of this Ordinance or of applicable rules and regulations issued pursuant thereto.

13.01.03 Describe the dwelling, dwelling unit, or rooming unit where the violations are alleged to exist or to have been committed. Such written notice shall specify an appropriate or acceptable method of correction.

13.01.04 Specify a specific date for the correction of any violation alleged.

13.01.05 Be served upon the owner, occupant, operator, or agent of the dwelling, dwelling unit, or rooming unit personally, or by registered mail, return receipt requested, addressed to the owner, occupant, operator, or agent. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the dwelling, dwelling unit, or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation once each week for a period of three (3) successive weeks; or

13.01.06 Be served upon a resident agent for the receipt of such services of notice designated pursuant to Paragraph 12.08; or

13.01.07 Be served upon the Appropriate Authority where he has been designated agent for such service pursuant to Paragraph 12.07.

13.02 At the end of the period of time allowed for the correction of any violation alleged, the Appropriate Authority shall reinspect the dwelling, dwelling unit, or rooming unit described in the notice.

13.03 If upon reinspection the violations are determined by the Appropriate Authority not to have been corrected, the Appropriate Authority shall initiate legal proceedings for the immediate correction of the alleged violations or shall order the dwelling, dwelling unit, or rooming unit vacated within thirty (30) days or both.

SECTION XIV

PENALTIES

14.01 Any owner, occupant, operator, or agent of a dwelling, dwelling unit, or rooming unit who has received an order or notice of an alleged violation of this Ordinance shall be subject to a penalty established in accordance with the schedule developed as part of the systematic inspection plan referred to in Section X. Said penalty shall be enforced beginning on the day that the alleged violation continues after expiration of the specified reasonable consideration period.

SECTION XV

**REPAIRS, DESIGNATION OF UNFIT UNITS
AND/OR STRUCTURES, AND OTHER
CORRECTIVE ACTION:
DEMOLITION**

15.01 Repairs and Other Corrective Action:

15.01.01 Whenever an owner, operator, or agent of a dwelling, dwelling unit, rooming unit, dormitory, or dormitory room fails, neglects, or refuses to make such repairs or other corrective action called for by the order or notice of violation issued pursuant to Paragraph 13.01, the Appropriate Authority may undertake such repairs or action, when in its judgment a failure to make them will endanger the public health, safety, or welfare, and the cost of such repairs and action will not exceed fifty (50) percent of the fair market value of the structure to be repaired.

15.01.02 Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to Section XIII; or upon the Appropriate Authority as designated agent for service pursuant to paragraph 12.07; or upon the resident agent of the owner, as designated agent for service pursuant to Paragraph 12.08.

15.01.03 Every owner, operator, or agent of a dwelling, dwelling unit, rooming unit, dormitory, or dormitory room who has received notice of the intention of the Appropriate Authority to make repairs or take other corrective action shall give entry and free access to the agent of the Appropriate Authority for the purpose of making such repairs. Any owner, operator, or agent of a dwelling, dwelling unit, rooming unit, dormitory, or dormitory room who refuses, impedes, interferes with or hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty pursuant to the schedule included in the systematic housing inspection plan adopted by the Appropriate Authority for each such failure to comply with this section.

15.01.04 When repairs are made or other corrective action taken at the direction of the Appropriate Authority, cost of such repairs and corrective action shall constitute a debt in favor of this City of Willmar, Minnesota, against the owner of the repaired structure. In the event such owner fails, neglects, or refuses to pay the City of Willmar, Minnesota, the amount of this debt, it shall be recoverable in a civil

action against the owner or his successor, brought in a court of competent jurisdiction by the City of Willmar, Minnesota, which shall possess all rights of a private creditor.

15.02 Designation of Unfit Dwellings, Dwelling Units, Rooming Houses, Rooming Units, Dormitories, and Dormitory Rooms:

15.02.01 Any dwelling, dwelling unit, rooming house, rooming unit, dormitory, or dormitory room shall be designated as unfit for human habitation when any of the following defects or conditions is found, and when, in the judgment of the Appropriate Authority, such defects creates a hazard to the health, safety, or welfare of the occupants or of the public:

15.02.01.01 Is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, and/or contains hazardous levels of lead-based paint or other substances.

15.02.01.02 Lacks illumination, ventilation, and/or required sanitation facilities.

15.02.01.03 The general condition of location is unsanitary, unsafe, and/or unhealthful.

15.02.02 Whenever any dwelling, dwelling unit, rooming house, rooming unit, dormitory, or dormitory room has been designated as unfit for human habitation, the Appropriate Authority shall placard the dwelling, dwelling unit, rooming unit, dormitory, or dormitory room, indicating that it is unfit for human habitation, and, if occupied, shall order dwelling, dwelling unit, or rooming unit vacated within a reasonable time.

15.02.02.01 Whenever any dwelling, dwelling unit, rooming house, rooming unit, dormitory, or dormitory room has been placarded and vacated, the Appropriate Authority shall order services and utilities to be turned off or disconnected and all utility meters to be removed.

15.02.03 No dwelling, dwelling unit, rooming house, rooming unit, dormitory, or dormitory room which has been designated as unfit for human habitation, and has been placarded as such and vacated, shall be used again for human habitation until written approval is secured from the Appropriate Authority and the placard removed by the Appropriate Authority.

15.02.04 The Appropriate Authority shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated, and the dwelling, dwelling unit, rooming house, rooming unit,

dormitory, or dormitory room is deemed by the Appropriate Authority as a safe, sanitary, and fit place for human habitation.

15.02.05 No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house, rooming unit, dormitory, or dormitory room which has been designated as unfit for human habitation and has been placarded as such, except as provided in Section 15.02.04.

15.02.06 Any person affected by any decision of the Appropriate Authority or by any designation or placarding of a dwelling, dwelling unit, rooming unit, dormitory, or dormitory room as unfit for human habitation shall be granted a hearing on the matter before the Appropriate Authority under the procedure set forth in Section XVII of this Ordinance.

15.03 Demolition of Dwellings, Dwelling Units, Rooming Houses, Rooming Units, Dormitories, or Dormitory Rooms Designated as Unfit for Human Habitation:

15.03.01 Any demolition necessary as a result of a designation that the rental unit is unfit for human habitation, must be done in accordance with Minnesota Statutes 463.152.

SECTION XVI

**COLLECTION AND DISSEMINATION
OF INFORMATION**

16.01 The Appropriate Authority is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing, and concerning the requirements of this Ordinance and applicable rules and regulations issued pursuant thereto.

SECTION XVII

APPEALS

17.01 There is hereby created a Housing Code Appeals Board consisting of the following described membership: One HRA Commissioner, a representative from the Minnesota Migrant Council, a representative of the building trades, a representative of West Central Board of Realtors, a private landlord, a tenant, and a representative from the health care field. The said Board shall be appointed by the Mayor/City Council of the City of Willmar and shall be consistent with other Boards and Commissions regarding terms and qualifications. The said Board shall select from its membership a Chair, Vice-Chair, and Secretary.

17.02 The Housing Code Appeals Board shall adopt reasonable rules and regulations for the conduct of its meetings and investigations and shall render all decisions and findings in writing to the appropriate official to be designated by the Appropriate Authority. All decisions and findings shall be made part of the public record.

17.03 Any person aggrieved by a notice of the Appropriate Authority issued in connection with any alleged violation of this Ordinance or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Appropriate Authority for an administrative conference for reconsideration of such notice or order provided such application is made within fourteen (14) days after the date the notice or order was issued. If the Appropriate Authority holds an administrative conference for reconsideration of notice or order, the Appropriate Authority shall prepare a summary of the conference and shall state the decision reached; such summary and statement shall become part of the public record.

17.04 Any person aggrieved by a notice of the Appropriate Authority issued in connection with any alleged violation of this Ordinance, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Housing Code Appeals Board for a reconsideration of such notice or order provided such application is made within twenty-one (21) days after the date the notice or order was issued.

17.05 The Housing Code Appeals Board, upon receipt of an appeal, shall set a time and place for the hearing within ten (10) days of the receipt of such application, and shall advise the applicant in writing of such time and place, at least seven (7) days prior to the date of the hearing.

17.06 At such a hearing the supplicant shall be given an

opportunity to be heard and to show cause why such notice or order should be modified, extended, withdrawn, or a variance granted.

17.07 The Housing Code Appeals Board, by a majority vote, may sustain, modify, or withdraw the notice or order. In granting an extension or variance of any notice or order, the Appeals Board shall observe the following conditions:

17.07.01 The Housing Code Appeals Board may grant an extension of time for the compliance of any order or notice for not more than twelve (12) months subject to appropriate conditions and provided that the Appeals Board makes specific findings of fact based on evidence relating to the following:

17.07.01.01 That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

17.07.01.02 That such an extension is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety, and general welfare.

17.07.02 The Housing Code Appeals Board may grant a variance in a specific case and from a specific provision of this Ordinance subject to appropriate conditions and provided the Appeals Board makes specific findings of fact based on evidence related to the following:

17.07.02.01 That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

17.07.02.02 That the effect of the application of the provisions would be arbitrary in the specific case; and

17.07.02.03 That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and

17.07.02.04 That such variance is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety, and general welfare.

SECTION XVIII

EMERGENCIES

18.01 Whenever, in the judgement of the Appropriate Authority, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency.

18.02 The owner, occupant, operator, or agent shall be granted a hearing before the Housing Code Appeals Board on the matter upon his request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

SECTION XIX

CONFLICT OF ORDINANCES: EFFECT OF PARTIAL INVALIDITY

19.01 In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this City of Willmar, Minnesota, existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of this City of Willmar, Minnesota, existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

19.02 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION XX

EFFECTIVE DATE

20.01 This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Councilman: _____

This Ordinance introduced on: _____

This Ordinance published on: _____

This Ordinance given a hearing on: _____

This Ordinance adopted on: _____

This Ordinance published on: _____

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