

CHAPTER 1004
RENTAL HOUSING CODE

Section

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1004.01 PURPOSE AND INTENT.

- Subd. 1. *Purpose.* The purpose of this chapter is to protect the public health, safety and the general welfare of the rental population of the city. These general objectives include, among others, the following:
- a. To maintain a quality character and stability of rental dwelling units within the city;
 - b. To correct and prevent rental housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying rental dwellings within the city;
 - c. To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of rental buildings;
 - d. To provide minimum standards of light and ventilation necessary to health and safety;
 - e. To provide minimum standards for the maintenance of existing rental buildings and to thus prevent slums and blight;
 - f. To preserve the value of land and buildings throughout the city.

- Subd. 2. *Intent.* It is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this chapter.
- Subd. 3. *Application of requirements.* Every rental dwelling unit and its premises used in whole or in part as a home or residence, or as an accessory structure thereof, for a single-family or person shall conform to the requirements of this chapter, irrespective of when the building may have been constructed, altered or repaired. This chapter establishes minimum standards for erected rental dwelling units, accessory structures and related premises.

(1987 Code, § 1004.01) (Ord. 272, passed 4-12-1993)

1004.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

ACCESSORY STRUCTURE. A subordinate building or use, whether attached or detached, that is located upon the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the building or main use.

APPROVED. When used in reference to the design and capabilities of physical systems of a dwelling shall mean having passed the inspection of the Compliance Official. The basis for passage of the inspection shall be an analysis of the effective state codes and an analysis of the degree to which the systems meet the standards established by the codes. It shall be the objective of the Compliance Official, unless otherwise specified, to establish minimum qualifications for approval of the system, which qualifications can maintain substantial compliance with the effective state codes and can be achieved in a reasonably economical and practical manner.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

COMPLIANCE OFFICIAL. The Building Official and his or her designated agents authorized to administer and enforce this chapter.

DWELLING. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels and boarding houses.

DWELLING - MULTIPLE-FAMILY (APARTMENTS). A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.

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

- a. **ATTACHED.** A dwelling which is joined to another at one or more sides by a party wall.
- b. **DETACHED.** A dwelling unit not attached to another dwelling or structure.

DWELLING - TWO-FAMILY. A dwelling designed exclusively for occupancy by two families living independently of each other.

- a. **DOUBLE BUNGALOW.** A two-family dwelling with two units side by side.
- b. **DUPLEX.** A two-family dwelling with one unit above the other.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by one family, but not including hotels, motels, nursing homes, boarding or rooming houses or recreational vehicles.

FAMILY. See **HOUSEHOLD.**

FLUSH WATER CLOSET. A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer supply.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HABITABLE BUILDING. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

HABITABLE ROOM. 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, unfinished basements (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

HEATED WATER. Water heated to a temperature of not less than 120°F, or the lesser temperature required by government authority, measured at faucet outlet.

HOUSEHOLD. The following are included in the term **HOUSEHOLD** as the term is used in this chapter:

- a. An individual; or
- b. A group of not more than three individuals, none of whom are related by blood, marriage, adoption or foster care, but all of whom are maintaining a common residence and using common cooking and kitchen facilities; or
- c. Up to two adult individuals, whether related or unrelated, residing in the same dwelling unit and maintaining a common residence and common cooking and kitchen facilities and the dependent child(ren) of each, if any; or
- d. The combination of paragraphs (a) and (c) above.

KITCHEN. A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment and adequate space for the storage of cooking utensils.

LEASE. An agreement to rent. (For use as a verb, see Rent.)

MINIMUM STANDARDS. Those standards as set forth in § 1004.04 of this code.

OCCUPANT. Any person (including owner or operator) sleeping, cooking and eating in a dwelling unit.

OPERATOR. The owner or its agent who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person, firm or corporation who, alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling units within the city as title holder, employee or agent of the title holder or as trustee or guardian of the estate or person of the title holder. Any person representing the actual title holder shall be bound to comply with the provisions of this chapter to the same extent as the title holder.

PERMISSIBLE OCCUPANCY. The maximum number of persons permitted to reside in a dwelling unit.

PERSON. An individual, firm, partnership, association, corporation or joint venture or organization of any kind.

PLUMBING. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam 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 fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

PREMISES. A platted lot or part thereof or unplatted parcel of land occupied by any dwelling or nondwelling structure, including any building, accessory structure or other structure thereon.

PUBLIC HALL. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

REFUSE. All putrescible and nonputrescible waste solids, including garbage and rubbish.

RENT. To obtain occupancy or use of another's property, or to grant temporary occupancy or use of one's own property, in return for periodic payments or compensation.

RENTAL DWELLING. A dwelling let for rent or lease.

RENTAL DWELLING UNIT. A dwelling unit let for rent or lease.

REPAIR. To restore to a sound and acceptable state of operation, serviceability or appearance.

RODENT HARBORAGE. Any place where rodents can live, nest or seek shelter.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery and similar materials.

SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

SUBSTANDARD DWELLING. Any dwelling which does not conform to the minimum standards established by city ordinances.

SUPPLIED. Paid for, furnished by, provided by or under the control of the owner, operator or agent of a dwelling.

(1987 Code, § 1004.02) (Ord. 272, passed 4-12-1993)

1004.03 LICENSING OF RENTAL UNITS.

- Subd. 1. *Issuance and renewal.* No person shall operate a rental dwelling without first having obtained a license to do so from the City Council as hereinafter provided. Each license shall be issued once every three years and shall expire on December 31 following the issuance thereof. License renewals for the following years shall be filed on or before November 1 prior to the license expiration date.
- Subd. 2. *Conformance to laws.* No license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of Shorewood and the laws of the state.

- Subd. 3. *License fees.* License fees for renewals of licenses shall be due on November 1 immediately prior to the license expiration date. In cases of new unlicensed dwellings, license fees shall be due upon application for a license.
- a. The licensee shall not be entitled to a refund of any license fee upon revocation or suspension of the license.
 - b. The City Council shall establish license fees by ordinance, from time to time.
- Subd. 4. *License not transferable.* No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice, in writing, to the Compliance Official within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice shall include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings.
- Subd. 5. *Owner or agent to apply.*
- a. *Application.* License application or renewal shall be made by the owner of the rental units or its legally constituted agent. Application forms may be acquired from and subsequently filed with the Compliance Official.
 - b. *Required information.* The applicant shall supply:
 - (1) Name, address and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
 - (2) Name, address and telephone number of designated resident agent, if any;
 - (3) Name, address and telephone number of management representative;
 - (4) Name, address and telephone number of vendee, if the dwelling is being sold through a contract for deed;
 - (5) Legal address of the dwelling;
 - (6) Type of dwelling;
 - (7) Type and number of dwelling units within the dwelling;
 - (8) Description of procedure through which tenant inquiries and complaints are to be processed.

- c. *Zoning compliance.* Upon application for a license the applicant must demonstrate to the satisfaction of the Compliance Official that the rental dwelling complies with one of the following:
- (1) The property is currently zoned for the intended use pursuant to Chapter 1201 of this code; or
 - (2) The structure was granted a special use permit for a two-family dwelling between January 21, 1965 and September 24, 1973; or
 - (3) The structure has been continually and lawfully used as a two-family dwelling since January 21, 1965.
- Subd. 6. *Resident agent required.* No license shall be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside within the counties of Hennepin, Ramsey, Anoka, Carver, Dakota, Scott or Washington) unless the owner designates, in writing, to the Compliance Official the name of its resident agent (a person who does reside within the aforesaid referred counties) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the city ordinances, to receive orders and to institute remedial action to effect the orders and to accept all service of process pursuant to law. The Compliance Official shall be notified, in writing, of any change of resident agent.
- Subd. 7. *Posting of license.* Every licensee of a multiple rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective multiple rental dwelling. Licenses for one- and two-family rental dwellings shall be conspicuously posted near the electrical service box for each unit.
- Subd. 8. *Inspection access.*
- a. No license shall be issued or renewed unless the owner of a rental unit agrees in its application to permit inspections as provided in § 1004.05 of this chapter.
 - b. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Official or his or her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes the building or premises unsafe, dangerous or hazardous, the Building Official or his or her authorized representative may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if the building or premises be occupied, he or she shall first present proper credentials and request entry; and if the building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the entry is refused, the Building Official or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.

Subd. 9. *Occupancy register required.*

- a. Every owner of a licensed rental dwelling unit in Shorewood shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:
 - (1) Dwelling unit address;
 - (2) Number of bedrooms in dwelling unit;
 - (3) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying each dwelling unit;
 - (4) Dates renters occupied and vacated each dwelling unit.
- b. The register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

(1987 Code, § 1004.03) (Ord. 272, passed 4-12-1993)

1004.04 MINIMUM STANDARDS.

Subd. 1. *Adoption of the Uniform Housing Code by reference.* Chapters 5, 6, 7, 8, 9 and 10 of the "Uniform Housing Code, 1988 Edition," as may be amended, prepared by the International Conference of Building Officials, are adopted and incorporated herein and shall be controlling within the city. At least one copy of the code shall be on file in the office of the Compliance Official for use and examination by the public.

Subd. 2. *General provisions.*

- a. *Maintenance of shared or public areas.* Every owner of a rental dwelling shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- b. *Maintenance of occupied areas.* Every occupant of a rental dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling unit and premises thereof that it occupies and controls.
- c. *Responsibility of owner and occupant for storage and disposal of garbage and rubbish.* Every owner of a rental dwelling shall supply facilities for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single-family attached or detached rental dwelling units, it shall be the responsibility of the occupant to furnish the facilities. Every occupant of a rental dwelling unit shall store and dispose of all its rubbish, garbage

and organic waste in a clean, sanitary and safe manner as prescribed by Chapter 504 of this code.

- d. *Responsibility for storm and screen doors and windows.* The owner of a rental dwelling unit shall be responsible for providing and hanging all screens and storm doors and storm windows whenever the same are required under the following provisions, except where there is written agreement otherwise between the owner and occupant.
- (1) Every window, other than a fixed window or storm window, shall be capable of being easily opened.
 - (2) Every window, door and frame shall be constructed and maintained in the relation to the adjacent wall construction as to completely exclude rain, wind, vermin and rodents from entering the building.
 - (3) Every openable window or other device required by this section shall be supplied with 16 mesh screens during the insect season.
- e. *Responsibility for pest extermination.*
- (1) Every occupant of a rental dwelling containing a single rental dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises.
 - (2) Every occupant of a rental dwelling unit in a dwelling containing more than one rental dwelling unit shall be responsible for the extermination whenever its dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a rental dwelling in a reasonable rodent-proof or reasonable verminproof condition, extermination shall be the responsibility of the owner.
 - (3) Whenever infestation shall exist in two or more of the rental dwelling units in any dwelling, or in the shared or public parts of any rental dwelling containing two or more rental dwelling units, extermination thereof shall be the responsibility of the owner.
- f. *Rodent harborages prohibited in public areas.* No owner of a rental dwelling shall accumulate or permit the accumulation of boxes, lumber, scrap metal or any other similar materials in a manner that may provide a rodent haborage in or about shared or public areas of a rental dwelling or it premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles.

- g. *Rodent-proof.* Every rental dwelling and accessory structure and the premises upon which located shall be maintained in a rodentfree and rodent-proof condition. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a one-half inch diameter or larger opening shall be rodent-proofed in an approved manner. Interior floors or basements, cellars and other areas in contact with the soil shall be paved with concrete or other rodent-impervious material.
- h. *Sanitary maintenance of fixtures and facilities.* Every occupant of a rental dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- i. *Removal of snow and ice.* The owner of a multiple-family rental dwelling or dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises.
- (1) Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall.
 - (2) Individual snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch, shall be removed from steps and walkways within eight hours after cessation of the snowfall.
- j. *Maintenance of driving and parking areas.* The owner of a multiple-family rental dwelling or dwellings shall be responsible for providing and maintaining in good condition surfaced and delineated parking areas and driveways for tenants consistent with § 1201.03, Subd. 5 of this code.
- k. *Maintenance of yards.* The owner of a multiple-family rental dwelling or dwellings shall be responsible for providing and maintaining the yard or yards.
- l. *Facilities to function.* Every supplied facility, piece of equipment or utility required under city ordinances and every chimney flue shall be installed and maintained and shall function effectively in a safe, sound and working condition.
- m. *Discontinuance of service of facilities.* No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied rental dwelling or rental dwelling unit let by the owner or operator, except for the temporary interruptions as may be necessary when actual repairs or alterations are in process or during temporary emergencies.

- n. *Yard cover.* Every yard of a premises on which a dwelling stands shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery and related decorative materials and the yard shall be maintained consistent with prevailing community standards.
 - o. *One family per dwelling unit.* Not more than one family, except for temporary guests, shall occupy a rental dwelling unit.
 - p. *Accessory structure maintenance.* Accessory structures supplied by the owner, agent or tenant occupant on the premises of a rental dwelling shall be structurally sound and be maintained in good repair and appearance. The exterior of the structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.
 - q. *Smoke detectors required.* All rental dwelling units shall be provided with approved smoke detectors and shall be installed in accordance with the State Building Code.
 - r. *Drinking water.* The property owner of rental dwelling units having domestic water supplied by a private well must provide a test result of the water from a lab certified by the Minnesota Department of Health at the time of application for initial license.
 - (1) The domestic water supply must be tested upon renewal every three years thereafter or earlier upon change of property ownership.
 - (2) The domestic water supply must meet the standards as established by Minn. Rules Part 4720.0350 as may be amended from time to time for arsenic, nitrates, and coliform bacteria.
- Subd. 3. *Built-in deficiencies exempt.* The following are built-in deficiencies and shall be exempt from compliance with the code; provided, that the built-in deficiencies were in compliance with a building code at the time of construction or do not pose a hazard.
- a. *Ceiling height.* Any existing habitable room with less than a seven and one-half foot ceiling height shall be considered a built-in deficiency which is beyond reasonable correction.
 - b. *Superficial floor areas.* Any existing habitable room of less than 90 square feet shall be considered a built-in deficiency and beyond reasonable correction.
 - c. *Natural light and ventilation.* Any existing habitable room with window area less than 10% of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required natural light and ventilation be less than 5% of the floor area.

- Subd. 4. *Correction of immediate hazards.* No occupancy shall be permitted of any dwelling unit if vacant and an immediate hazard exists. If the dwelling unit is occupied and an immediate hazard exists, immediate corrective action shall be taken by the occupant, owner, agent of the owner or other responsible persons. The dwelling unit may be ordered vacated if no immediate corrective action is taken and the occupant, owner, agent of the owner or other responsible person fail to comply with any order to correct any immediate hazard. Immediate hazards to health and safety for human occupancy shall include but not be limited to the following:
- a. Heating systems that are unsafe due to: burned out or rusted heat exchangers (fire box); burned out or plugged flues; no vent; connection with unsafe gas supplies; or lack of temperature and pressure relief valves;
 - b. Water heaters that are unsafe due to: burned out or rusted heat exchangers (fire box); burned out, rusted or plugged flues; no vent; connection with unsafe gas supplies; or lack of temperature and pressure relief valves;
 - c. Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly taped or spliced wiring; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems;
 - d. Plumbing systems that are unsanitary due to: leaking waste systems, fixtures and traps; lack of a water closet; lack of washing and bathing facilities; cross connection of pure water supply with fixtures or sewage lines; or the lack of water;
 - e. Structural systems, walls, chimneys, ceilings, roofs, foundations and floor systems that will not safely carry imposed loads;
 - f. Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering residential buildings and structures unsanitary for human occupancy, including lack of light and air;
 - g. Infestation of rats, insects and other vermin.
 - h. Domestic water used primarily for consumption which exceeds the safe drinking water standards contained in Minn. Rules Part 4720.0350 as may be amended from time to time for arsenic, nitrates, and coliform bacteria, must be brought into compliance by the property owner before a rental license is issued.

(1987 Code, § 1004.04) (Ord. 272, passed 4-12-1993; Am. Ord. 479, passed 8-22-2011)

1004.05 INSPECTIONS.

- Subd. 1. *Purpose.* The purpose of this section is to establish standards for a program of inspections meant to improve and maintain the overall rental housing in the city. Housing inspections do not indicate compliance with any inspectional program other than that of the city. Inspections are made as a public service and do not constitute any representation, guarantee or warranty to any person as to the conditions of the building inspected. The city does not assume any responsibility or liability in connection with the inspection and issuance of the license required by § 1004.03 of this chapter.
- Subd. 2. *Initial compliance inspection.* Prior to issuance of a license to operate a rental dwelling unit, the Compliance Official, together with the local Fire Marshal, shall inspect the premises for compliance with this chapter. A record of the inspection, listing any built-in deficiencies which are exempt from compliance, per § 1004.04, Subd. 3 of this chapter, shall be kept on file at the City Hall.
- Subd. 3. *Triannual compliance inspection.* All rental dwelling units shall be reinspected for compliance with this chapter a minimum of once every three years.

- Subd. 4. *Complaints inspections.* Inspections shall be made at any time upon receipt of a complaint wherein the complainant leaves his or her name, address and telephone number. Inspections will not be made based upon anonymous complaints.
- Subd. 5. Permission of the tenant shall be requested before a rental unit is entered. If the tenant refuses to permit the inspector to enter, the inspector is authorized to obtain an administrative search warrant before making the inspection.

(1987 Code, § 1004.05) (Ord. 272, passed 4-12-1993)

1004.06 ADMINISTRATION AND ENFORCEMENT.

- Subd. 1. *Unfit for human habitation.*
- a. Any rental dwelling or rental dwelling unit, which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any rental dwelling or rental dwelling unit has been declared unfit for human habitation, the Compliance Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation and any operating license previously issued for the dwelling shall be revoked.
 - b. It shall be unlawful for the rental dwelling or rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any rental dwelling or rental dwelling unit.
- Subd. 2. *Secure unfit and vacated dwellings.* The owner of any rental dwelling or rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors, or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance.
- Subd. 3. *Hazardous building declaration.* In the event that a rental dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in M.S. §§ 463.15 *et seq.*, related to hazardous and substandard buildings.

Subd. 4. *Compliance order.*

- a. Whenever the Compliance Official determines that any rental dwelling, or rental dwelling unit or the premises surrounding any of these, fails to meet the provisions of this chapter, he or she may issue a compliance order setting forth the violations of the ordinance and ordering the owner, occupant, operator or agent to correct the violations.
- b. This compliance order shall:
 - (1) Be in writing;
 - (2) Describe the location and nature of the violations of this chapter;
 - (3) Establish a reasonable time for the correction of the violation and notify of appeal recourse;
 - (4) Be served upon the owner or its agent or the occupant, as the case may require, and the notice shall be deemed to be properly served upon the owner or agent, or upon any occupant, if a copy thereof is:
 - (a) Served upon the owner, agent or occupant personally; or
 - (b) Sent by certified mail to its last known address.

Subd. 5. *Right of appeal.* When it is alleged by any person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this chapter, the person may appeal the compliance order to the City Council sitting as a Board of Appeals. The appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, as set forth by resolution of the City Council, from time to time, in cash or cashier's check, and must be filed with the Department of Protective Inspections within five business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life, health or property.

Subd. 6. *Board of Appeals decision.* Upon receipt of an appeal of a compliance order a hearing shall be held before the City Council, serving as the Board of Appeals, at its next regularly scheduled meeting. The Board of Appeals shall make a determination concerning the validity of the appeal. The Board of Appeals may reverse, modify or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

Subd. 7. *Restrictions on transfer of ownership.* It shall be unlawful for the owner of any rental dwelling, or rental dwelling unit, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless the owner shall

furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the rental dwelling, or rental dwelling unit, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice upon the person and shall be liable to all penalties and procedures provided by this chapter.

- Subd. 8. *License suspension or revocation.* A license issued under the provisions of this chapter shall be subject to suspension or revocation by the City Council for violation of any provisions of the Shorewood City Code or laws of the state. In the event that a license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or its duly authorized agent to thereafter permit any new occupancy of a vacant or thereafter vacated rental unit until the time as a valid license may be restored by the City Council.
- Subd. 9. *Alternative sanctions.* Whenever the Compliance Official determines that any rental dwelling, or rental dwelling unit, or the premises surrounding any of these fails to meet the requirements set forth in this chapter, the Compliance Official may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.
- Subd. 10. *Conflicts.* Any conflict between any provisions of this chapter and any term of a contractual relationship between a landlord and a tenant shall be resolved in favor of this chapter.
- Subd. 11. *Penalties.* Failure to comply with a compliance order after right of appeal has expired or violation of any of the provisions of this chapter shall be a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense.
- Subd. 12. *Separability.* Every section, provision or part of this chapter is declared separable from every other section, provision or part to the extent that if any section, provision or part of the ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.

(1987 Code, § 1004.06) (Ord. 272, passed 4-12-1993) Penalty, see § 104.01