

SECTION 4.08. RENTAL HOUSE AND APARTMENT.

4.08.01 PURPOSE.

This ordinance ensures that rental housing in Westbrook meets life, health, and safety standards to protect residents and nearby properties. The general objectives include, but are not limited to, the following:

- A. **Maintain quality standards** for rental units to ensure they are safe and habitable.
- 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 housing within the City of Westbrook;
- C. To assist in enforcing minimum standards for cooking, heating, and sanitary equipment necessary for the health and safety of the occupants of rental housing units;
- D. To assist in enforcing minimum standards of light and ventilation necessary for health and safety;
- E. To prevent overcrowding of rental housing units;
- F. **Prevent overcrowding** by setting minimum space standards per occupant.
- G. **Provide minimum standards** for essential facilities like cooking, heating, and sanitation.
- H. **Prevent slums and blight** by enforcing maintenance standards for rental properties.
- I. **Preserve property values** and the overall character of neighborhoods.

These regulations help create a stable and safe living environment for renters while also protecting the interests of property owners and the community.

4.08.02 INTENT.

This ordinance intends to establish a permanent mode of protecting and regulating the living conditions of the city's residents who rent/lease rental housing units and to provide a means for imposing license fees to help the City defray the costs necessary for rental housing inspections and enforcement of this Ordinance.

Subdivision 1. Definitions.

For this section, "rental housing" shall be defined as any residential dwelling unit leased or rented by the owner to another party for residential use. This includes single-family homes, apartments, condominiums, and similar structures. Single-family homes owned by individuals occupied as rental properties, with a non-pecuniary agreement, shall abide by Section 4.08 Rental House and Apartment. It does not include hotels, motels, or other lodging establishments primarily used for transient occupancy.

Subdivision 2 **License Required.**

It is unlawful for any person, as the owner, manager, or other person having control of any dwelling unit, to lease, rent, or permit to be leased or rented any dwelling unit or allow occupants to live in a residence when the owner is not an occupant, within the city without first having obtained a rental license for such a dwelling unit from the city.

Subdivision 3 **License and Fees.**

No one shall operate rental housing within the city without obtaining a license from the city. The license application shall be submitted on forms provided by the city and shall be accompanied by the required fees. The fees for such licenses shall be established by the city council annually by resolution. The license shall be valid for one year from the date of issuance unless suspended or revoked. The license and fee schedule are included in the Establishing Rates, Fees, and Administrative Fines resolution that the City Council approves at the first meeting of the year. or as amended.

Subdivision 4 **License Expiration.**

The license expiration date shall be indicated on the license document. The city shall carry out inspections at regular intervals to ensure ongoing compliance. The inspection process is crucial to maintaining safety and habitability standards in rental housing. Property owners are mandated to promptly address any issues or code violations identified during these inspections. Failure to comply may result in fines or suspension of the rental license.

Subdivision 5 **Inspection.**

The city shall conduct an annual inspection of the rental housing before issuing the license to ensure compliance with all applicable codes and regulations. The owner shall be responsible for correcting any deficiencies identified during the inspection. The city may require additional inspections as deemed necessary to enforce the provisions of this section. The owner shall notify the city of any change in the occupancy of the rental housing within thirty days of such a change. The fees for such inspections shall be established by the city council annually by resolution. In addition to periodic inspections, the city reserves the right to conduct random inspections to ensure adherence to all housing standards. Property owners must facilitate these inspections by providing access to all areas of the rental property. The city must give twenty-four hour notice and inspect during business hours unless an emergency exists.

Subdivision 6 **Occupancy register.**

Each owner of a dwelling unit within the City rented or offered for rent for residential purposes shall maintain a register of occupancy for each such dwelling unit, which register shall be available for examination by City officials, and shall include the following information:

- A. The address of the dwelling unit.
- B. The number of bedrooms per unit.
- C. The names of the current occupants per unit.
- D. The maximum number of people permitted per dwelling unit.

This register must be updated within thirty days of any changes in occupancy.

Subdivision 7 **Agent Required.**

Each owner of residential rental properties who does not reside within the municipality shall appoint an agent living within the city by a written document executed and acknowledged by such owner. This agent will serve as the point of contact for the city to serve notices of the administration of this section or any provisions, with such service being as effective as if made upon the owner.

Subdivision 8 **Transfer of License.**

No licenses issued shall be transferred to another party; the new owner shall apply and, if approved, will be granted a new license.

Subdivision 9 **Refuse Removal.**

The property owner is responsible for refuse removal and billing. It is the property owner's responsibility to receive reimbursement from the tenant. This is to ensure that the refuse and waste from the premises are removed regularly and in accordance with city codes and regulations. Proper waste management is essential for maintaining sanitary conditions and preventing health hazards.

Subdivision 10 **Pets**

The property owners are responsible for the tenant's pets and failure to comply with licensing and other regulations pursuant to Section 8.12 ANIMAL REGULATIONS of the City Code may lead to suspension or revocation of the rental license.

Subdivision 11 **Maintenance Responsibilities.**

Property owners are responsible for maintaining their rental properties in a safe and sanitary manner. This includes ensuring that all structural elements, plumbing, electrical systems, and appliances are in good working order. Property owners must perform regular maintenance checks to address any repair needs promptly.

Subdivision 12 **HEALTH AND SAFETY.**

- (A) The exterior of the rental dwelling/building shall be in reasonable repair and have adequate roofing and siding material to prevent air and water from leaking into the rental dwelling/building.
- (B) Street address numbers shall be displayed on the front of the rental dwelling/ building so they are visible from the street. Individual units shall have the unit number displayed on the main entrance to the unit.
- (C) Electrical equipment shall be fully functional and in safe operating condition. Outlets, switches, and junction boxes shall have proper-sized cover plates securely attached. Any hard-wired light fixture, both interior and exterior, must be securely fastened to an approved electrical box. Temporary wiring, drop cords, or extension cords shall not be used in lieu of permanent wiring. Outlets in bathrooms, kitchen, garages, and outdoors shall be GFI (Ground-fault interrupters). The owner shall provide an adequate electrical service. Electric service panels shall be unobstructed.
- (D) Each unit shall have two (2) exits. These exits can be any combination of doors leading directly to the exterior or public hallways and egress windows. All sleeping rooms shall have an egress window or door that leads directly to the exterior of the rental dwelling/building. Egress windows shall be sized according to the Minnesota Building Code in effect at the time of inspection.
- (E) All doors shall be equipped with panic hardware or knobs that are operable from inside the rental dwelling or rental unit without keys or tools. Exterior doors shall be properly fitted and sealed to prevent air and water from leaking into the rental dwelling/building, and locks shall be installed for privacy and security.

- (F) Windows shall be properly fitted and sealed to prevent air and water from leaking into the rental dwelling/building; broken windows shall be repaired or replaced and not boarded over. Egress windows shall be properly sized and shall operate freely and easily from the inside of the rental dwelling/building.
- (G) Owners shall not place or install any fixtures, furniture, appliances, or similar obstructions in public hallways that are part of an emergency exit. Tenants shall keep public hallways free of obstructions and personal property.
- (H) Fire Extinguishers of Type ABC. The owner shall:
 - (1) Equip each rental dwelling/building either with a 5 lb. extinguisher in each unit or one 10 lb. extinguisher in a common area on each floor of the rental dwelling/building.
 - (2) A certified professional shall be responsible for the annual inspection and tagging of each such fire extinguisher.
- (I) The owner(s) of a rental property consisting of more than four rental units shall provide garbage collection containers or dumpsters and recycling containers adequate to accommodate all garbage and recyclables generated by each rental unit. Tenants, whether in rental dwellings or buildings, shall not allow garbage, rubbish, debris, or recyclables to accumulate inside or outside of their units and shall keep their units reasonably clean and sanitary.
- (J) All heating units shall be fully functional, properly vented, and capable of maintaining all habitable rooms at 68 degrees Fahrenheit. Intake and exhaust openings shall have proper clearance and be unobstructed. Portable electric heating units and stoves shall not be used as a permanent source of heat, and non-vented fuel-burning heaters are strictly prohibited.
- (K) Mold, rodent, and insect infestations shall be promptly eliminated by the owner, and the rental unit shall then be kept mold and infestation-free by the tenant.
- (L) Plumbing systems shall be properly maintained by the owner, free of leaks, and fully functional, and shall provide hot and cold water to all sinks, tubs, and showers and cold water to all toilets. Plumbing vents shall be fully functional and unobstructed.
- (M) All water heaters shall be fully functional, properly vented if using gas, and shall be equipped with a fully functional relief valve with a discharge line to within 18 inches of the floor.
- (N) Sanitary sewer systems shall be properly maintained, fully functional, and properly connected to every toilet, sink, tub, and shower.
- (O) Clothes dryers, where provided by either the property owner or tenant, shall be properly vented. Vents shall be clean and unobstructed.
- (P) Gas, water, and other utility meters shall be unobstructed.
- (Q) Smoke detectors shall be fully functional and installed on every level of a rental unit, in every sleeping room, and access points leading to sleeping rooms, public hallways, and stairwells. Tenants shall not remove batteries from or otherwise disable, remove, or destroy any such detector. Such action could be subject to criminal penalty pursuant to Minnesota Statutes § 299F.362(6)(b) as it may be amended from time to time.

(R) The owner shall provide carbon monoxide detectors, installed within 10 feet of the entrance of all sleeping rooms, and shall be maintained in fully functional condition. Tenants shall not remove batteries from or otherwise disable, remove, or destroy any such detector pursuant to Minnesota Statutes § 299F.51(4) as it may be amended from time to time.

Subdivision 13 **Conduct on Licensed Premises**

- A. The renter/occupant shall be responsible for conducting themselves in such a manner as to not cause the premises to be in noncompliance with the City of Westbrook Municipal Codes and state criminal code.
- B. The City Council and law enforcement shall be charged with the responsibility of enforcing this section.
- C. Upon determination by the City Council that the licensed premises is out of compliance, the City Council shall notify the license holder by regular mail of such violations.
- D. If another violation occurs within twelve (12) months of an incident for which notice in paragraph C of this Subd. was given, the license holder shall be notified of the violation and shall also be required to meet with the City Council.
- E. If another instance of disorderly use of the premises occurs within twelve (12) months after receipt of notices pursuant to Paragraphs C and D, the dwelling unit rental license may be revoked or suspended for such a unit by action of the City Council. Such suspension or revocation may be for all units in each building address. Upon suspension or revocation, a license holder shall pay to the City a reinstatement fee equal to three hundred dollars (\$300.00). A suspension can be stayed if reinstatement fees are paid and no further violations occur for a period as set by the council.
- F. All written leases for property subject to provisions of this ordinance after its effective date shall contain a clause providing that tenants violating provisions of this ordinance shall constitute a material breach of the lease and are grounds for termination of such lease.

Subdivision 13 **Responsibilities defined.**

Property owners are liable for violations of this ordinance even though an obligation is also imposed on a manager or tenant, and even if an owner has, by agreement, imposed on the manager or tenant the duty of complying with this ordinance or any part hereof. These responsibilities ensure the safety and well-being of the community, fostering an environment where tenants can live without undue risk or disturbance. The ordinance aims to balance the rights and duties of property owners, managers, and tenants, thereby promoting respectful and lawful conduct. By holding property owners accountable regardless of internal agreements, the ordinance underscores the importance of consistent and comprehensive property management. This approach not only maintains the integrity of the housing stock but also upholds the standards set forth by the City of Westbrook, ensuring a harmonious living experience for all residents.

Subdivision 14 **Enforcement.**

- A. The council or its agent, including the building official or law enforcement, shall enforce the provisions of this chapter. When the city or its agent reasonably believes that a rental dwelling or premises may violate this ordinance, including a tenant complaint made in good faith, the code official may enter the rental dwelling to inspect or perform their duties under this ordinance. Entry is permitted only if: i) the owner, manager, or tenant allows entry; ii) an administrative warrant is obtained from a court; or iii) an emergency exists.
- B. If the code official identifies any violation of this ordinance, they may seek immediate enforcement. Alternatively, the code official may issue a compliance order listing all violations and the deadlines for correction. If a compliance order is issued, the owner must correct the violations within the specified

timeframe. Timely corrected violations are considered remedied and will not lead to a suspension or revocation of a rental housing license. The code official may grant extensions for correction upon request before the expiration date, provided there is evidence that efforts are being made to correct the violation.

- C. The code official may post a notice on a rental dwelling deemed substandard, preventing further occupancy. Notice will be sent to the owner via mail. Tenants have forty-five (45) days to vacate unless immediate departure is necessary for their health or safety. No one other than the code official may remove or tamper with the placard. Occupation of posted properties is prohibited unless specified otherwise.

Subdivision 15 Criminal and administrative remedies.

A violation of any provision of this ordinance constitutes a misdemeanor. Each day the property is in violation is considered a separate offense. Alternatively, the city may impose the following administrative penalties on the owner(s): a fifty-dollar (\$50.00) fine plus an additional charge of ten dollars (\$10.00) per day starting from the day the alleged violation occurs. However, if the owner has been given a specified correction period by the official code, the fine will be waived if the violation is confirmed corrected by the official code before the end of that period.

SECTIONS 4.09 THRU 4.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 4.99. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.