

## **CHAPTER 15**

### **RESIDENTIAL RENTAL REGULATIONS**

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## **SECTION 15.010 TITLE**

This chapter shall be referred to as the “Residential Rental Property Licensing Ordinance”

## **SECTION 15.020 PREAMBLE**

The purpose of this ordinance is to provide safeguards to protect life, health, property, and public welfare of the Citizens of Eagle Lake by regulating and controlling the use, occupancy, location, and upkeep of all residential rental property, rental property, buildings and structures within the limits of the City of Eagle Lake Minnesota. It is the desire of the City to protect the interests of the property owner, the tenant, adjoining property owners, and the community as a whole.

## **SECTION 15.030 SCOPE**

This Ordinance applies to all buildings which are rented in whole or in part as a dwelling for persons other than the property owner’s family as defined herein. It includes accessory structures such as garages and storage buildings. This chapter does not apply to Minnesota Department of Health licensed rest homes, convalescent facilities, nursing homes or hotels and motels.

## **SECTION 15.040 DISCRIMINATION AND PRIVATE CONTRACTS**

This Ordinance shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public welfare. The City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the City to the provisions of this Ordinance.

## **SECTION 15.050 DEFINITIONS**

The following terms, as used in this Ordinance, shall have the meanings stated:

- A. Applicant. Any person making application for a license under this Ordinance.
- B. Application. A form with blanks or spaces thereon, to be filled in and completed by the applicant as his/her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration for the issuance of a license for the rental of residential property.
- C. Dwelling. A building, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including rest homes, convalescent homes, nursing homes, hotels, motels, facilities licensed by the State of Minnesota as institutional occupancies or dormitories. May also be called a residence or residential building.
- D. Dwelling Unit. A room or group of rooms within a dwelling, forming a single habitable unit.

- E. Family. An individual or two (2) or more persons related by blood, marriage, adoption, and foster children.
- F. Family (Functional). A Functional Family means a collective group of unrelated persons residing in a single dwelling unit, limited to not more than two adult persons, together with their traditional family members of any age. (Also see Section 1.06, Subd. 12, definition of “unrelated persons”)
- G. Family (Traditional). A Traditional family means one or more persons related by blood or marriage residing in a single dwelling unit.
- H. License. A document issued by the City to an applicant permitting him/her to rent residential property.
- I. Licensee. An applicant who, pursuant to his/her application, holds a valid, current, unexpired and unrevoked license from the City allowing him/her to rent residential property.
- J. License fee. The money paid to the City pursuant to an application and prior to issuance of a license to rent residential property.
- K. Occupant. Any person residing in a dwelling or dwelling unit.
- L. Operator, Manager, Caretaker. Any person who has charge, care or control of a structure, or part thereof, in which rental dwelling units are let.
- M. Owner. Any person, firm, corporation or agent, who alone, jointly or severally with others shall be in actual possession of, or have charge, care or control of any dwelling or dwelling unit.
- N. Rent. The term "rent" means any consideration paid for the exclusive use of the dwelling unit, including, but not limited to, money, services or a combination thereof, paid or delivered at fixed intervals periodically agreed upon.
- O. Rental Property. Shall include living units rented on a month to month basis or greater. Such property may include single-family homes, duplexes, triplexes or multifamily units. Exempt from such definition shall be motels, hotels, boarding houses, bed and breakfast facilities and any facility exempt from city regulation due to State or Federal rules and regulations.
- P. Unrelated Persons. Two or more individuals who are not related by blood, marriage, or adoption. For the purpose of this chapter, “related by blood” shall mean whole or half relations between a common ancestor or descendent, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin or any combination of the above persons.

- Q. Contract for Deed. Means an executor contract for the conveyance of residential real property under which the seller provides financing for the purchase of the residential real property and under which the purchaser does or has a right to go into possession.
- R. Residential Real Property. Means real property occupied, or intended to be occupied, by one to four families, if the purchaser intends to occupy the real property. Residential real property does not include property subject to a family farm security loan or a transaction subject to Minnesota Statute 583.20 to 583.32.
- S. The term “offender transitional housing” means a dwelling unit or residential facility, or lodging facility, intended, or used principally to provide short-term housing to offenders or sex offenders as defined by Minnesota Statute and Rule, on supervised release or conditional release, who are receiving housing assistance or supervision from the Minnesota Department of Corrections, or designee, and/or who are required to live in the dwelling as a condition of their release. “Offender transitional housing” does not include housing declared by state law to be a permitted single-family residential use. The term “short-term” shall mean a period of time not exceeding one year or as otherwise established by Minnesota Statute and Rules. A dwelling owned by the offender or a member of the offender’s immediate family shall not be considered offender transitional housing provided no other offenders are residing in the dwelling. (Adopted by Council August 4, 2014)

### **SECTION 15.060 APPLICATIONS**

All persons or entities that own property in the City of Eagle Lake and that desire to rent that property, must obtain from the City a valid rental license, prior to renting or leasing any property. All applications shall be made in writing on a form approved by the Eagle Lake City Council and submitted to the City Clerk. All applications shall be accompanied by a fee as set by motion of the City Council of Eagle Lake. No property may be rented or leased until the application has been approved.

**Subd. 1.** All applications shall be made at the office of the City Clerk.

**Subd. 2.** All applications must be subscribed and sworn to and shall contain the following information:

- A. The applicant’s full name, age, date of birth, if an individual; if the applicant is a corporation or partnership the information shall include the name and address of the primary agent for the corporation; (11-04-2013)
- B. All applicants must provide present address and phone number; (11-04-2013)
- C. Address of property upon which a request is being made for a rental license;
- D. Scaled site plan of the proposed property use (the scale to be used is 1” equals 10’);
- E. Scaled site plan that shows the number and location of proposed parking stalls for the property;

- F. Scaled floor plan, identifying all rental units by number;
- G. The name, address and date of birth of all property owners, in addition to the applicant;
- H. The name of the person or entity responsible for the property, if other than the applicant;
- I. Such other information, as the City Council may deem necessary, considering the nature of the use for which the license application is made.

**Subd. 3.** It is unlawful for any applicant to intentionally make a false statements or misleading statement or omission in regards to preparing this application. Any false or misleading statement or omission shall work as an automatic refusal of the license and void any previously issued license. (11-04-2013)

**Subd. 4.** The City Clerk shall upon receipt of the application completed in accordance herewith, shall, forward the application to the Police Department. The Police Department shall perform a background check, including verifying the information in the application. Pursuant to this investigation, the Police Chief may request the applicant to provide information to verify the information in the application. Failure to cooperate with the Police Chief may be grounds for denial of the application.

#### **SECTION 15.070 ACTION ON APPLICATION FOR LICENSE**

**Subd. 1.** Upon receipt of a completed application and payment of the application fee, the City shall commence with the investigation of the application and evaluation of the property and proposed use, said investigation shall be completed within thirty (30) days, at which time the City shall either issue the license or state in writing the reasons for the denial of the application. All residential rental properties must obtain a license by January 1, 2004. All licenses except temporary rental licenses issued by the City shall be valid for a period of three (3) years, unless canceled or revoked pursuant to this Ordinance. (11-04-2013)

**Subd 2.** Temporary Rental License. Property owners attempting to sell their home can apply for a temporary rental license. Initial approval from City Administrator will last 6 months. Extension applications can be made for two additional 6 month time periods, as approved by the City Council, not to exceed 18 months. No reapplication within 12 months of temporary license expiring. Failure to end rental agreement after expiration of temporary rental license will result in charges set forth by the Residential Rental Property Ordinance.

#### **SECTION 15.080 FEES**

**Subd 1.** The rental license fees shall be established by motion of City Council.

**Subd 2.** The temporary license fee shall be established by resolution from time to time and established by the City Fee Schedule.

## SECTION 15.090 TRANSFER OF PROPERTY OWNERSHIP

**Subd. 1.** To transfer the rental license from one property owner to another, the current licensee shall give written notice, including the name and address of the proposed licensee, to the City Clerk of the proposed transfer, at least 48 hours prior to any transfer of the licensed property. The proposed licensee must make application with the City Clerk and pay the required fee for a transfer of the license set forth by the City, within 45 days of the transfer of the property. Failure to make application within the specified time limit will result in the automatic forfeiture of the license. Relicensing of any property for which the license has been forfeited shall require application for a new license. Issuance of any license under these conditions shall require the property to be in compliance with all codes in effect at the time of issuance of the new license. (11-04-2013)

**Subd 2.** Contract for Deed. Whenever any real estate is sold for a consideration in excess of \$1,000, whether by warranty deed, quitclaim deed, contract for deed or any other method of sale, the grantor, grantee or the legal agent of either shall file a certificate of value with the county auditor in the county in which the property is located when the deed or other document is presented for recording. Contract for deeds are subject to recording under section 507.235, subdivision 1 of Minnesota Statute 272.115. A copy of the "Contract for Deed" will have to be submitted to the City within thirty (30) days after filing with Blue Earth County Recorder's Office per Minnesota Statute 507.235 Subd. 2. Failure will result in the violation of the rental code.

## SECTION 15.100 LICENSE DENIAL, SUSPENSION OR REVOCATION

**Subd. 1.** Notification. Prior to denial, suspension or revocation, the licensee (or his/her designated agent) and all occupants of units potentially subject to denial, suspension or revocation, shall be notified in writing pursuant to the terms of this Ordinance. Any applicant who's license is denied, or any licensee whose license is suspended or revoked shall be entitled to appeal and to a hearing on such appeal. Notice of the hearing shall be provided to all interested parties at least twenty (20) days prior to a hearing.

**Subd. 2.** Hearing. A hearing shall be held before the City Council or a hearing examiner appointed by the City Council. The hearing shall be conducted to meet the licensee and occupant's due process rights, including:

- A. Allowing interested parties, or their attorneys, the right to present evidence, witnesses, and to cross-examine all adverse witnesses, and
- B. Making a complete record of all proceedings, including findings of fact and conclusions of law.

**Subd. 3.** Suspension or Revocation. Every operating license issued under the provisions of this Ordinance is subject to suspension or revocation for the entire rental dwelling or for individual rental units, by the City Council, should the licensee fail to properly license and maintain the rental unit.

A rental license may also be denied, suspended or revoked for any of the following reasons:

- A. The license and/or license application was procured by misrepresentation of material facts, by fraud, by deceit or by bad faith.
- B. The applicant or one acting on his/her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
- C. The activities of the licensee or the failure to adequately maintain the property to comply with health, safety, building codes and section 15.11, A-F of this ordinance.

**Subd. 4.** Effect of Denial, Suspension or Revocation. In the event a rental license is denied, suspended or revoked by the City Council it shall be unlawful for the owner or his/her duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units, until such time as a valid rental license is restored to the affected units.

**Subd. 5.** Failure to Obtain a License. If it is determined that a rental unit is being operated without a valid license; an immediate inspection shall be conducted. It shall be unlawful for an owner, designated agent, or operator, after notice has been sent certified mail, to continue operation of a rental dwelling unit without submitting an application for a license under this Chapter, along with the necessary fee. Once an application for a license has been made, it shall be unlawful for the owner, or his/her duly authorized agent, to permit any new occupancies of vacant or thereafter vacated rental units until such time as the license is issued.

#### **SECTION 15.110 CONDUCT ON LICENSED PREMISES**

**Subd. 1.** The license holder shall be responsible for all tenants on the property and shall cause all persons occupying the dwelling unit to conduct themselves in such a manner as to not cause the premises to be maintained in a disorderly manner. In addition, the license holder shall be responsible for maintaining the dwelling unit and making sure it is maintained in a manner that the property will not be defined as being a nuisance condition either under the Eagle Lake City Code or State Statute. (Adopted by Council August 4, 2014)

A. **Subd. 2.** The police and/or housing/enforcement officer shall be charged with the responsibility of enforcing Subd. 1. (Adopted by Council August 4, 2014)

B. **Subd. 3. Strike One.** Upon determination by the police or housing inspector/enforcement officer that the licensed premises were used in a disorderly manner, or that a nuisance condition exists, the police or housing inspector/enforcement officer shall notify the license holder by regular mail of such violation and direct the license holder to take steps to prevent further violations. (Adopted by Council August 4, 2014)

C. **Subd. 4. Strike Two.** If there is a second instance in which the property was used in a disorderly manner or was maintained in violation of the Nuisance Ordinance of the City of Eagle Lake or Minnesota State Statute occurs within 12 months of an incident for which notice in Subd. 3 of this section was given, the license holder shall be notified of the instance of disorderly use by mail. The license holder shall also be notified by mail that if they get one more violation, the license holder's license to rent could be revoked or suspended. (Adopted by Council August 4, 2014)

D. **Subd. 5.** Strike Three. If the premises are used for a third incident within 12 months of disorderly use or in a manner that is in violation of the Eagle Lake City Code regarding nuisances or Minnesota State Statute then the rental license may be revoked or suspended of such dwelling unit. The license holder shall be given written notice of this action and will be provided 15 days in which it can request a hearing in front of the City Council. Failure to request this hearing in writing within that period of time means that the license holder waives the right to have this matter reviewed. The City Council may determine whether to suspend the license for 30, 90, or 365 days. (Adopted by Council August 4, 2014)

E. **Subd. 6.** If the police or building inspectors are responding to an incident that occurs in an area common to multiple residences, each of those residences may be cited for a violation of this ordinance. This violation will count as a violation against the particular unit and may be counted towards the three violations that would allow a license to be revoked. (Adopted by Council August 4, 2014)

F. **Subd. 7.** No suspension or revocation shall be imposed where the instance of disorderly use of the premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the license holder to the tenant to vacate the premises where the disorderly use was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sections, however, unless they are diligently pursued by the license holder. (Adopted by Council August 4, 2014)

~~F.G.~~ **Subd. 8.** Upon the property owner submitting notification to the City that tenants with prior strikes are no longer inhabiting a dwelling unit, the strikes against said unit will be removed. Prior tenant's strikes will not be applied to the new tenants in the same dwelling unit. (Approved March 2, 2015)

~~G.H.~~ **Subd. 9.** If three strikes are issued to a dwelling unit and if the property owner does not comply with mitigating the situation, the property owner can be charged with being in violation of city code. (Approved March 2, 2015)

~~H.I.~~ **Subd. 10.** All written leases for licensed premises executed after September 1, 2014, shall contain a clause providing that conduct which would be violation of Subd. 1 shall constitute a material breach of the lease and grounds for termination of such lease. (Adopted by Council August 4, 2014)

~~H.J.~~ **Subd. 11.** All written leases for licensed premises executed after September 1, 2014, shall contain a clause providing that conduct which would be violation of Subd. 1 shall constitute a material breach of the lease and grounds for termination of such lease. (Adopted by Council August 4, 2014)

## **SECTION 15.111 LOUD PARTY/DISTURBANCES/NUISANCE COMPLAINTS**

**Subd. 1.** A notice will be sent whenever a case file has any of the following criteria listed:

A. Anytime, day or night, that the premises are involved in one or more of the following 1 full

strike will result:

1. Unlicensed sale of alcoholic beverages;
2. Furnishing to persons under the age of 21 years;
3. Consumption by persons under the age of 21 years;
4. Vice crimes;
5. Drug sale or use.

B. Anytime, day or night, that the premises are involved in one or more of the following  $\frac{1}{2}$  strike will result:

1. Any accumulation of any refuse, garbage, swill, or waste matter not stored in a container as required by Eagle Lake City Ordinance 3.010 and 3.090 or stored in such a container or containers upon such premises for a period in excess of seven (7) days;
2. Junked motor vehicle stored upon property.

AND OR

C. Anytime, day or night, that the premises are involved in a manner affecting the neighborhood and a citation, arrest, or letter of transmittal is made for any one of the following 1 strike will result:

1. Disorderly conduct;
2. Disturbing the peace;
3. Obstructing an officer;
4. Assault;
5. Criminal damage to property;
6. Vice crimes.

OR

D. Between the hours of 0800 and 2200 for any of the following 1 strike will result:

1. Where officers are called back after the initial visit and describe noise or activity as “disruptively loud” or in any manner affecting the tranquility of the neighborhood on both occasions;
2. Where police respond initially and describe the activity as “disruptively loud” or in any

manner affecting the tranquility of the neighborhood and persons involved refuse to comply with police directives to cease disruptive behavior within (10 ) minutes.

OR

E. Between the hours of 2200 and 0800 for any of the following 1 strike will result:

1. Where the police describe the noise level outside the confines of a particular dwelling unit as “disruptively loud”;
2. Where people are using profanity that can be heard outside the confines of the dwelling unit;
3. Where music either from the confines of the dwelling unit, the yard area of the dwelling unit, or any parking area defined for the dwelling unit can be heard from the street, alley, or neighboring yards;
4. Where a gathering is going on either inside and/or outside of the dwelling unit in a manner that involves any of the following:
  - a. Disruption of neighbors, i.e. revving of cars, loud shouting, etc.;
  - b. Littering;
  - c. Inappropriate behavior, i.e. urinating in yards, persons passed out, etc.;
  - d. Damaged property.

(Section 15.111 approved March 2, 2015)

#### **SECTION 15.112 ENFORCEMENT AUTHORITY**

The City Administrator, or designee, is hereby authorized and directed to enforce all of the provisions of the Eagle Lake City Code. For such purposes they shall be known and appointed as enforcement officers having the authority to issue notices of violation, issue criminal citations for violations of the Eagle Lake City Code, issue administrative penalties as established, issue orders for occupants to vacate a dwelling unit found to be in violation of the Eagle Lake City Code, and order suspension of City services for properties found to be in violation of the Eagle Lake City Code. (08-04-2014)

**Subd. 1.** Owners and occupants of dwelling units that are found to be in violation of the Eagle Lake City Code shall be issued a Notice and Order. The Notice and Order shall contain:

- A. The street address or a legal description sufficient for identification of the premises upon which the building is located.
- B. A statement that the City Administrator, or their designee, has found the building to be in violation of the Eagle Lake City Code with a brief and concise description of the violations(s).
- C. A statement identifying what steps shall be taken to bring the property into compliance with the Eagle Lake City Code.

- D. A statement that the dwelling unit must be vacated within 30 days from the date of the order if the property is not brought into compliance with the Eagle Lake City Code.
- E. Statements advising that if the property is not brought into compliance and/or vacated within 30 days from the date of the notice and order that the City Administrator or designee:
  - 6. May impose administrative penalties as established by the City Council; and
  - 7. May charge the owner, agent, and/or occupants with a criminal violation; and
  - 8. May suspend or terminate City utility services to the property; and
  - 9. May proceed to cause the work to be done and charge the cost thereof against the property or its owner.  
(08-04-2014)
- F. Notice and order may be served by personal service or United States Postal Service to the owner and/or agent as determined by County Land Records. Occupants may be served by personal service or United States Postal Service to at least one occupant of the dwelling unit. If the owner(s) or occupant(s) refuse personal service or mailed service through the United States Postal Service, the Notice and Order may be posted on the property. (08-04-2014)
- G. It shall be irrelevant to proceedings hereunder that the license holder or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation. (08-04-2014)

### **SECTION 15.120 RESIDENTIAL DISTRICT**

**Subd. 1.** State Licensed Residential Facility. State Licensed residential facilities are allowed in all residential districts pursuant to Minnesota State Statutes, as amended from time to time. The regulation of Residential Occupancies in this section shall not apply to a State Licensed Residential Facility.

**Subd. 2.** Residential Occupancies. Residential occupancies of single and two family dwellings in the R-1 and R-2 zoning districts shall be limited to Family-Functional and Family-Traditional as defined by this chapter. Family-Functional and Family-Traditional may have one additional person residing with them for non-rental purposes or for the purpose of providing a housekeeping or personal service for the resident(s) therein.

**Subd. 3.** Non-Conforming Uses. Residential rental properties not in compliance with this Ordinance as of the effective date of the Ordinance may continue in the non-conforming use provided that if the property ceases to continue in the non-conforming use for a period of twelve (12) consecutive months, the right of continuing non-conformity will end.

**Subd. 4.** R-1 Zoning Districts. It is the desire of the City to maintain the single family, owner

occupied character of the R-1 zoned districts. As such, the City Council of Eagle Lake has determined that in order to protect the character of these neighborhoods that it must restrict the number of rental properties that will be allowed in the same area. Therefore no two R-1 rental properties may be located within two hundred fifty (250) feet of each other. The two hundred fifty (250) feet shall be measured from the property line of any currently licensed rental property

### **SECTION 15.130 INSPECTIONS UNDER THIS ORDINANCE**

**Subd 1.** The City of Eagle Lake has adopted The International Property Maintenance Code, a national model code that addresses maintenance requirements for the interior and exterior of structures. It is not meant to replace other City ordinances being enforced by other City departments (e.g. signs, zoning, nuisances, junk cars, on-street parking, outside storage, etc.) The IPMC also contains requirements for plumbing, heating, fire and electrical systems in existing buildings. This document is consistent and comprehensive and is a compatible property maintenance document that is meant to be used with the other codes as adopted by the State of Minnesota.

The adoption of this document will clarify the City's expectations to property owners in the areas of providing safe, structurally sound, and well maintained facilities for all buildings in the City of Eagle Lake.

**Subd. 2.** New Rental License. Applications for a residential rental property license will be made to the City Clerk. The completed application will be forwarded to the Zoning Administrator who shall review the application for conflicts with zoning ordinances and parking requirements. If approved, the application will be assigned to the Building Official for inspection on compliance with this code and any other applicable statute, ordinance, code or regulation. A rental license will be issued after the property is in full compliance with all requirements. The property may not be rented until final approval as evidenced by the issuance of the license.

**Subd. 3.** Inspection Upon Complaint. Any residential property within the City is subject to investigation upon complaint by any citizen or City employee. Complaints shall be investigated in accordance with the following schedule.

All Complaints shall be investigated within seventy-two (72) hours of receipt by the City Administrator or their designee shall inspect the property to verify the existence of conditions in violation of this ordinance or any other applicable statute, ordinance, code or regulation.

**Subd. 4.** Administrative Penalties for Failure to Allow Inspection. The City Council shall establish administrative penalties for intentional failure, or failure without good cause; to appear for scheduled rental inspections or re-inspections or for intentional avoidance or delay in scheduling inspection(s) when requested. Administrative penalties may also be imposed for failure to correct code violations after proper notice. Administrative penalties are in addition to any criminal charges and/or fines.

**Subd. 5.** Confidentiality of Complainant's Name(s). The identities of any person filing a complaint about violations of state law or local ordinance concerning the use of real property,

and any information that would identify such person, is classified as confidential under Minnesota State Statute 13.44. No employee or agent of the City shall release or reveal such information except by court order.

**Subd. 6.** Penalty for Retaliation Against Complainant. It is a misdemeanor for any person to take retaliatory action against, harass or intimidate any person who makes a good-faith complaint against real property within the City.

**Subd. 7.** Penalty of Filing a False or Malicious Complaint. It shall be a misdemeanor for any person to file a false or malicious complaint of violations of state law or local ordinance concerning the use of real property.

### **Section 15.140 Outstanding City Invoices**

**Subd. 1.** The property owner will be required to pay all outstanding invoices from the City associated with the enforcement of the Residential Rental Property Ordinance. Cost and fees will be determined by the “City Fee Schedule” and a per hour basis of the contracted Building Official Services hourly fee. Payment will be considered pass due 30 days after the date of the invoice.

**Subd. 2.** Any outstanding bills or invoices related to the enforcement of the Residential Rental Property Ordinance will have a lien against the property being serviced and the City Clerk shall certify to the Blue Earth County Auditor’s Office the amount of the delinquent balance, which amount shall be added to taxes and assessments due and payable against the property.

### **SECTION 15.150 PARKING**

**Subd. 1.** All new rental units licensed after the effective date of this Ordinance shall provide off-street parking according to the following:

- A. One and Two-Family Dwellings in R-1 and R-2 Zoning Districts. For rental units licensed after the effective date of this Ordinance, two (2) off-street parking stalls shall be provided for each dwelling unit.
- B. One and Two-Family Dwellings in R-3, R-4 Zoning Districts. For rental properties licensed after the effective date of this Ordinance, one off-street parking stall shall be provided for each bedroom in a dwelling

**Subd. 2.** Location and design of Off-Street parking. All new rental units licensed after the effective date of this Ordinance shall provide required off-street parking in conformance with the following:

- A. In R-1 and R-2 zoning districts, all required off-street parking stalls shall be provided on the zoning lot occupied by the one or two-family dwellings.
- B. Off-street parking spaces required for all non-one and two-family dwellings shall be located on the same lot as the land use activity; provided, however, that when four (4) or more

parking spaces are required, off-premises parking may be provided on a lot located not more than five hundred (500) feet from the main building of the use requiring said parking, provided that the off-premises parking lot is held under the same ownership or leasehold interest as the zoning lot occupied by the building or use to which the parking facilities are accessory.

- C. Private and public sidewalks, boulevards and other portions of the public right-of-way shall not be used to satisfy off-street parking requirements.
- D. For one and two-family dwellings, all off-street parking stalls, enclosed or unenclosed, shall have minimum dimensions of 8' x 18', exclusive of required drives and accesses.
- E. For a one-family dwelling, the unenclosed parking space located immediately adjacent to the entrance of a garage may be considered one off-street parking space provided the space has a minimum dimension of 8' x 18' and conforms to all other regulations. The enclosed garage space may also be considered an off-street parking stall for the purpose of satisfying the parking requirements, provided the enclosed parking space has a minimum dimension of 8' x 18'.
- F. All newly constructed rental property(s) shall have their driveway and parking surface hard surfaced within one (1) year after issuance of a new rental license. Acceptable hard surfacing does not include recycled asphalt or recycled concrete. Failure to hard surface within one-year shall result in the revocation of the rental license. Existing rental property(s) at the time of this Ordinance's adoption are required to provide adequately designed parking for vehicular weight that is aesthetically appealing.
- G. Notwithstanding any of the above or as otherwise permitted in this Ordinance tandem parking arrangements shall not be allowed in order to satisfy the parking requirements of this Ordinance.

**Subd. 3.** Nonconforming Off-Street Parking. Rental units in operation prior to the adoption of this ordinance shall be required to provide additional off-street parking for the purpose of satisfying the requirements of this section, if adequate off-street parking spaces are not presently provided for the occupants. This requirement shall only apply to rental properties containing yard areas that may be used for additional parking in conformance with the location and design regulations of Subdivision 2.

### **SECTION 15.160 PENALTY**

**Subd. 1.** Any violation of this Ordinance is a misdemeanor and is subject to all penalties provided for such violations. Each day in which a violation exists shall constitute a separate offense.

**Subd. 2.** It is a misdemeanor for any person to prevent, delay or provide false information to any City official, or his/her representative, while they are engaging in the performance of their duties as set forth in this Ordinance.

**Subd. 3.** In addition to bringing criminal charges for violation of this Ordinance, the City of Eagle Lake may seek a civil injunction against any licensee or occupant who violate any terms of this Ordinance.

**Subd. 4.** All applicants must include in any lease (written or oral) a copy of this Ordinance and must further advise all tenants that a violation of this Ordinance by the applicant (landlord) or any occupant of the premises could result in termination or revocation of the rental license and immediate eviction of all tenants.

### **SECTION 15.170 AUTHORITY ENFORCEMENT AND RESPONSIBILITY**

**Subd. 1** Authority. The City Administrator, or their designee, is hereby authorized and directed to enforce all of the provisions of this ordinance. For such purposes they shall be known and appointed as housing inspectors/enforcement officers having the authority to issue notices of violation and criminal citations for violations of this ordinance.

The City Administrator, or their designee, shall have the power to render interpretations of this ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this ordinance.

**Subd. 2.** Right of Entry. When it is necessary to make an inspection to enforce the provisions of this ordinance, or when the City Administrator, or their designee has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this ordinance, they may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such building or premises is occupied that credentials will be presented to the occupant and entry requested. If such building or premises is unoccupied, they shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the housing inspector(s)/enforcement officer(s) shall have recourse to the remedies provided by law to secure entry.

EXCEPTION: Licensed rental properties are subject to inspection for purposes of this ordinance at any time without requirement for warrant.

**Subd. 3.** Responsibilities Defined. Owners remain liable for violations of duties imposed by this ordinance even though an obligation is also imposed on the occupants of the building and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this ordinance.

Buildings, structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subdivision, the building may be re-inspected.

Owners, in addition to being responsible for maintaining the buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this ordinance or any other applicable code, ordinance, regulation or statute, furnish and maintain such approved sanitary facilities required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, in addition to being responsible for keeping it in a sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall properly dispose of their rubbish, garbage and other organic waste in a manner required by this ordinance, or any other applicable code, ordinance, regulation or statute.

Occupants shall, when required by this ordinance, or any other applicable code, ordinance, regulation or statute, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

### **SECTION 15.180 INTERNATIONAL PROPERTY MAINTENANCE CODE**

The following sections within section 2 of the International Property Maintenance Code are hereby revised:

Section 101.1	City of Eagle Lake
Section 103.5	per City Fee Schedule
Section 202	General Definitions
Section 304.14	Insect Screens

The following sections within section 3 of the International Property Maintenance Code are hereby removed:

Section 302.4	Weeds
Section 302.8	Motor Vehicles

### **SECTION 15.190 OFFENDER TRANSITIONAL HOUSING**

In order to reduce the likelihood of recidivism; provide for the public safety; provide protection and security for crime victims; maintain neighborhood stability; re-integrate former offenders into the mainstream, law-abiding community; prevent homelessness among returning offenders; and facilitate support and supervision for offenders, the City of Eagle Lake finds it desirable to provide for locations within the City where offender transitional housing can be established subject to the limitations of this Code. (Adopted by Council August 4, 2014)

**Subd. 1.** Separation and Concentration in Zoning Districts.

A. Separation In Zoning Districts. Offender Transitional Housing may be established in a zoning district only on a parcel that is at least as far as the distances indicated in the table below from another existing, or approved but not yet constructed, Offender Transitional Housing use in any zoning district. (Adopted by Council August 4, 2014)

<b><u>Zoning Designation Separation Required</u></b>	<b><u>Separation Required</u></b>
R-1 and special districts with underlying R-1 zoning	> = 1,000 feet
R-2 and special districts with underlying R-2 zoning	> = 800 feet
All other Residential Districts	> = 600 feet
All other Zoning Districts	> = 500 feet

B. Concentration in Residential Zones. In residentially zoned areas (R-1 through R-T and special districts with underlying residential zoning), a proposed Offender Transitional Housing use may not cause the number of Offender Transitional Housing uses within a radius of 1.5 times the required separation distance of the proposed Offender Transitional Housing use to exceed 0.5% of the total number of dwellings for developed neighborhoods within that radius, or 0.5% of the planned dwellings or permissible dwellings within that radius for partly undeveloped or undeveloped neighborhoods. (Adopted by Council August 4, 2014)

**Subd. 2.** Offender Transitional Housing in Non-Residential Zones. In non-residential zones, a proposed Offender Transitional Housing use that is within 500 feet of a residential zone may not cause the sum of the population capacity of Offender Transitional House to exceed 10% of the sum of dwelling units and lodging units in parcels within a radius of 500 feet of the proposed Offender Transitional Housing use, except that where the sum of dwelling and lodging units within 500 feet is fewer than 100, the population capacity of offender transitional housing units shall not exceed 10 person. (Adopted by Council August 4, 2014)

**Subd. 3.** Offender Transitional Housing for Sex Offenders. Any Offender Transitional Housing providing or intending to provide housing to a designated sex offender as defined by state law or administrative rule must meet the separation requirements provided in this section. Except where otherwise specified, the separation distances shall be measured from the property lines of both the offender housing and the facility from which it shall be separated.

A. Separation by a distance of not less than 1,000 feet is required from the following facilities.

1. Outdoor youth facilities in existence or planned.
2. Public active recreation parks under ten acres in size in existence or planned.
3. The playground area of any existing or planned public active recreation park over ten acres in size that is equipped with one or more playgrounds.
4. A licensed child care facility.
5. Existing public or private nursery schools, elementary schools and secondary schools.
6. A state licensed residential facility.

The residents of the Offender Transition Housing shall be limited to only those Offenders that were convicted of an offense while a resident of Blue Earth County and the residents shall only reside in the premises for a period not to exceed 12 months. (Adopted by Council August 4, 2014)

**Subd. 4.** Offender Transitional Housing License. An Offender Transitional Housing Use must obtain a license prior to any occupancy of such use. The license shall be subject to the occupancy restrictions in the city's rental ordinance. In non-residential districts a license shall only be issued if the underlying zoning district permits residential uses. (Adopted by Council August 4, 2014)

Previously licensed rental properties may only be used for Offender Transitional housing if the property conforms to the City's rental ordinance. For the purposes of this section, properties proposed for Offender Transitional Housing shall be considered a new rental license and a license shall only be granted if the property conforms to the City's rental ordinance. The license shall be subject to revocation if conditions of approval are violated or if it is determined to be a detrimental use per City's rental ordinance. If an Offender Transitional Housing Use is discontinued for a period of twelve consecutive months or if a license is revoked, there shall be no presumed right to reinstatement and any use at the location shall be considered in the same manner as a new use. (Adopted by Council August 4, 2014)

**Subd. 5.** Existing Offender Transitional Housing. Offender Transitional Housing Use existing on the date of the enactment of this ordinance shall comply with the ordinance within 12 months of adoption of this section. If the property currently used for Offender Transitional Housing does not conform to the provisions of this section, it shall cease operation within 12 months of the adoption of this section. (Adopted by Council August 4, 2014)

**Subd. 6.** General Requirements Offender Transitional Housing. Offender Transitional Housing shall be in accordance with the regulations with the City's rental ordinance. (Adopted by Council August 4, 2014)