

Section 425 – Property maintenance code

425.01. Short title. This section may be cited as “The city of Crystal property maintenance code”, or the “property maintenance code.”

425.03. Policy; purpose; objectives; intent.

Subd. 1. Policy. It is the policy of the city to enhance the supply of safe, sanitary and adequate housing for its citizens and to prevent the deterioration of property in the city, including buildings, other structures, site improvements, and landscaping.

Subd. 2. Purpose. The purpose of the property maintenance code is to carry out the policy stated in subdivision 1 by establishing minimum standards and procedures for its enforcement for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of buildings and property.

Subd. 3. Objectives. The objectives of this property maintenance code include, but are not limited to, the following:

- (a) Protection and preservation of the stability, quality and character of all areas and structures in the city;
- (b) The prevention and correction of conditions that adversely affect or are likely to adversely affect the life, safety, and general welfare and health, including the physical, mental and social well-being of persons occupying or utilizing structures in the city;
- (c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure health and safety;
- (d) The establishment of minimum standards for the maintenance of property, and thus to prevent deterioration and blight;
- (e) The prevention of overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit; and
- (f) The preservation of the value of land and buildings in the city.

Subd. 4. Intent; relation to the provisions of city code. The city council intends that the property maintenance code be an integral part of the city's program of health, safety, building, and land use regulation. This property maintenance code is to be construed liberally in conjunction with other provisions of the Crystal city code to give effect to the policy, purpose, and objectives of this section, but is not to be construed to modify, amend or otherwise alter the provisions of the Crystal city code relating to health, safety, building, or land use regulation.

Subd. 5. General requirements.

- (a) The requirements of this property maintenance code shall apply to all buildings, structures and property within the city.
- (b) All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with the city and state codes, must be maintained in conformity with the requirements of the codes in effect at the time of construction or installation.
- (c) State statutes and codes that apply to or affect existing buildings are considered part of the code.
- (d) Specific requirements of other sections of this property maintenance code, including, but not limited to, zoning, fire and nuisances, shall supersede the general requirements of Crystal city code, section 425.
- (e) In cases where a conflict may occur between requirements of this section or other codes, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the city shall govern.
- (f) Every section, provision, or part of this property maintenance code is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this property maintenance code shall be held invalid by a court of law, it shall not invalidate any other section, provision, or part thereof.

425.05. Adoption of international property maintenance code by reference.

Subd. 1. Code adopted. The International Property Maintenance Code, 2015 edition, as published by the International Code Council and as it may be amended, is adopted as the property maintenance code of the city, for the control of buildings, structures and property as provided in this section, and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this section as if fully set out in this section, with the additions, insertions, deletions and changes as set forth in Crystal city code, subsection 425.05, subdivision 2 "Revisions."

Subd. 2. Revisions. The following sections of the International Property Maintenance Code, 2015 edition, are revised as provided in this subdivision.

- (a) Section 101.1. Title. Amended to read: These regulations shall be known as the property maintenance code of the city of Crystal, hereinafter referred to as property maintenance code.
- (b) Section 102.3. Application of other codes. Amended to read: Repairs, additions or alterations to a structure of changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and the Crystal city code.
- (c) Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this property maintenance code shall mean the applicable provision of the Crystal city code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.
- (d) Section 103.2. Appointment. Delete entire section and amend to read: The city manager or the manager's designee shall be the code official responsible for the administration and enforcement of this code.
- (e) Section 103.5. Fees. Amended to read: The fees for activities and services performed by the city in carrying out its responsibilities under this Crystal city code are established in Crystal city code, appendix IV.
- (f) Section 111. Means of appeal. Delete entire section and amend to read:
 - (1) Appeals. Appeals of correction or compliance orders issued by the city pursuant to the property maintenance code are governed by and subject to the provisions of Crystal city code, section 306.
 - (2) Penalties. Any person who fails to comply with a correction or compliance order after right of appeal has expired, and any person who fails to comply with a modified correction or compliance order within the time set therein, and any person who violated any of the provisions of this property maintenance code by doing any act or omitting to do any act that constitutes a breach of any section shall be subject to administrative citations and civil penalties contained in Crystal city code, subsections 306.07 through 306.17.

- (3) Alternative sanctions. In the case of commercial facilities and rental dwellings that require licensing, said licensing may be revoked or renewal withheld until compliance with this property maintenance code in accordance with licensing provisions contained in Crystal city code, subsection 1005.21.
 - (4) Execution of correction or compliance order by public authority. Upon failure to comply with a correction or compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified correction or compliance order within the time set therein, the city may cause the cited deficiency to be remedied as set forth in Crystal city code, section 306.
- (g) Section 202. General definitions. Amended by adding:
- (1) “Occupied” for dwelling units means occupied areas will include those areas designated and utilized as habitable space, as well as non-habitable spaces that are easily accessible and normally utilized by the occupants. For nonresidential facilities, occupied areas will include all areas utilized in the operation of whatever use occupies the building.
 - (2) “Unsanitary” as applied to a structure means failure to maintain healthy conditions and liable to be a danger or hazard to the health of persons occupying or frequenting it, or to the public, if such danger arises from the methods or materials of construction, or from equipment installed therein for the purposes of lighting, heating, ventilation, or plumbing, or from existing conditions liable to cause rat infestation, vermin infestation, accumulation of trash or debris in the building, yards or accessory structure on the premises or from mold-causing conditions. Same as unsanitary.
- (h) Section 302. Exterior Property Areas. Amended by adding an amended Section 302.3, and adding Sections 302.10, 302.11 and 302.12, to read:
- (1) Section 302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All driveways and lawful auxiliary spaces shall be hard-surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer. Alternative hard-surfacing such as pavers may be approved on a case-by-case basis by the city engineer upon a determination that the standards of Crystal city code, subsection 515.17, subdivision 4(g)(8) can be met. Any non-hard-surfaced driveways existing at the time of inspection for rental license shall be hard-surfaced within 180 days of issuance of a rental license, whether new or renewal.

- (2) Section 302.10. Removal of snow and ice. The owner of an apartment or commercial building shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises within 24 hours of the cessation of the snowfall causing the accumulation.
- (3) Section 302.11. Illumination. The owner of a multiple occupancy building shall be responsible for providing and maintaining illumination in all exterior parking lots and walkways with provisions to control glare affecting surrounding properties.
- (4) Section 302.12. Landscaping in yards and setbacks. The owner of any building shall be responsible for providing and maintaining landscaping in all yards and/or setbacks and all areas not designated for buildings, circulation, parking or storage on the premises.
- (i) Section 304.13. Window, skylight and doorframes. Amended by adding section 304.13.3. Storm windows.
 - (1) Section 304.13.3. Storm windows. All operable windows with a single layer of glass must be provided with tight fitting storm windows. Storm windows may be temporarily removed to allow for the installation of screens during periods of warm weather.
- (j) Section 304.14. Insect screens. Insert: June 1 to September 1.
- (k) Section 304.15. Doors. Amended by adding section 304.15.1. Apartment security system.
 - (1) Section 304.15.1. Apartment security system. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying apartment dwellings, an approved security system shall be maintained for each apartment building to control access. The security system shall consist of locked building entrance or foyer doors and lock doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of the building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that is permanently locked from the outside and permanently unlocked from the inside.

- (l) Section 402. Light. Amended by adding Section 402.4.
 - (1) Section 402.4. Convenience switches. A convenience switch or equivalent device for turning on a light in each dwelling unit shall be located near the points of entrance to such unit.
- (m) Section 404.5 Overcrowding. Amended to read as follows: In order to prevent conditions that endanger the life, health, safety or welfare of the occupants, no dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 150 square feet of gross floor area of finished space in the dwelling unit. For the purposes of this section, finished space excludes kitchens, bathrooms and utility rooms.
- (n) Section 505.1. General. Delete all references to the “International Plumbing Code” and replace with “Minnesota State Building Code.”
- (o) Section 602.2. Residential occupancies. Delete the reference to Appendix D of the “International Plumbing Code” and replace with “Minnesota State Building Code.” Also, delete 65° F (18° C) and replace with 68° F (20° C).
- (p) Section 602.3. Heat supply. Insert: September 1 to June 1 and delete 65° F (18° C) and replace with 68° F (20° C). Delete the reference to Appendix D of the “International Plumbing Code” and replace with “Minnesota State Building Code.”
- (q) Section 602.4. Occupiable workspace. Insert: September 1 to June 1 and delete 65° F (18° C) and replace with 68° F (20° C).
- (r) Section 604.2. Service. Delete the reference to the “ICC Electrical Code” and replace with “Minnesota State Building Code.”
- (s) Section 702. Means of egress. Delete all references to the “International Building Code” and replace with “Minnesota State Building Code.”
- (t) Chapter 8. Referenced standards. Amended to read: All references to other code standards within this code shall mean the applicable provision of Crystal city code or Minnesota State Building code, whichever is the most restrictive requirement permitted under statute.

Subd. 3. Copy on file. One copy of the International Property Maintenance Code, together with a copy of this code, each marked “official copy”, must be kept on file in the office of the city clerk and available for public inspection. The city clerk and the building official must keep a reasonable number of additional copies of the International Property Maintenance Code and this property maintenance code available for use and inspection by the public at reasonable times.

425.07. Definitions.

Subd. 1. General. For purposes of this section, the terms defined in this subsection have the meanings given them.

- (a) “Apartment” means a community, complex, or building having a common owner and containing four or more living units.
- (b) “Code” or “this code” means the property maintenance code; “city code” means the Crystal city code of ordinances; “building code” means Crystal city code, chapter IV; “zoning code” means the Crystal city code, section 515.
- (c) “Common areas” means halls, corridors, passageways, utility rooms, recreational rooms and extensive landscaped areas, not under the exclusive control of one person or family, in or adjacent to an apartment dwelling.
- (d) “Dwelling” means a building or a portion of a building designed for residential occupancy: the term includes single-family, two-family, three-family and apartment dwellings but does not include hotels, motels, nursing homes and boarding houses.
- (e) “Dwelling unit” means a single-family dwelling or a discrete portion of a dwelling designed for occupancy by one family.
- (f) “General housing unit” means a dwelling unit other than an apartment, including but not limited to those within a townhouse, condominium, double bungalow, single-family, two-family or three-family building.
- (g) “Gross floor area” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior or from the centerline of party walls separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

- (h) “Housing official” means the city officer or officers in the community development department designated by the city manager to administer this code.
- (i) “Let for Occupancy” or “To Let” means to permit possession or occupancy of a dwelling or living unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.
- (j) “Living unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (k) “Nonresident owner” means an owner who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Chisago, Dakota, Isanti, Scott, Sherburne, Washington or Wright.
- (l) “Occupant” means any person living or sleeping in a dwelling; or having possession of a space within a dwelling.
- (m) “Owner”, means any person, firm or corporation who alone or jointly or severally with others is in actual possession of a dwelling or dwelling unit in the city as owner.
- (n) “Rent” means to let for occupancy or to let.
- (o) “Rental dwelling” means any apartment or general housing unit let for occupancy, or any apartment or general housing unit occupied by someone other than the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner.
- (p) “Repair” means to restore to a sound acceptable state of operation, serviceability or appearance.
- (q) “Replace” means to remove an existing item or portion of a system and to construct or install a new item of similar or new quality as an existing item when repair of the item is impractical.
- (r) “Resident agent” means an authorized representative of a nonresident owner who resides in one of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Chisago, Dakota, Isanti, Scott, Sherburne, Washington, or Wright.

Subd. 2. Code official. The term “code official” where the term is used in the International Property Maintenance Code means the housing official.

Subd. 3. Relation to other code definitions. Except as expressly provided in this code, words, terms, and phrases used in this code have the meanings given them by the Crystal city code. In cases where conflicting definitions of a word, term, or phrase make its precise meaning unclear in its application to particular facts, the housing official is authorized to resolve the conflict subject to the provisions of Crystal city code, subsection 425.27 relating to appeals.

425.09. Application.

Subd. 1. General. This property maintenance code applies to buildings, their premises, accessory structures thereto, and dwelling units therein or thereon, used or designed to be used for human habitation.

Subd. 2. Existing buildings. A building lawfully existing under the building code must conform to this property maintenance code. A building need not be altered or changed to exceed the requirements of the building code in effect at the time of its construction, except in the following cases:

- (a) If the building is altered or enlarged pursuant to the building code;
- (b) If the building is moved or relocated; or
- (c) If the building is determined to be unsafe or hazardous by the building inspector pursuant to applicable codes and ordinances.

Occupancy in buildings lawfully existing under the building code may be continued under this property maintenance code.

425.11. Duties of owners and occupants.

Subd. 1. Sanitation. The occupant of a general housing unit must maintain in a clean and sanitary condition that part of the unit and yard that the occupant occupies and controls; and is responsible for the occupant’s own misuse of areas and facilities available in common. The owner of an apartment must maintain in a clean and sanitary condition the shared or public areas of the apartment and yard. The occupant of a general housing unit or apartment must keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and is responsible for the exercise of reasonable care in their proper use and operation.

Subd. 2. Removal of waste matter and recyclable materials. The occupant of a general housing unit must dispose of rubbish, ashes, garbage and other organic waste in a clean and sanitary manner as provided by Crystal city code, section 605. The owner of an apartment is responsible for the clean and sanitary maintenance of common storage or disposal facilities and must dispose of rubbish in a clean and sanitary manner as provided in Crystal city code, section 605. The owner of an apartment containing more than eight units must comply with the requirements of Crystal city code, subsection 650.19.

Subd. 3. Pest extermination. The occupant of a single dwelling unit is responsible for the extermination of vermin infestations or rodents on the premises. The occupant of a dwelling unit in a building containing more than one dwelling unit is responsible for such extermination when the dwelling unit is infested. When infestation is caused by the failure of the owner or occupant to maintain a building containing dwelling units in a reasonably rodent-resistant or reasonably vermin-resistant condition, pest extermination is the responsibility of the owner. After extermination, it is the responsibility of the owner or occupant, as the case may be, to correct such maintenance or other problems as designated by appropriate city officials to eliminate the source of the infestation. If infestation exists in two or more dwelling units in any residential structure, or in the shared or public parts of any residential structure containing two or more dwelling units, pest extermination is the responsibility of the owner.

Subd. 4. Heat. The owner of a building containing two or more dwelling units must supply facilities capable of providing adequate heat to every habitable room therein; for the purposes of this subdivision “adequate heat” means heat sufficient to maintain a temperature of 68° F (20° C) at a height of three feet above the floor in all habitable rooms, bathrooms, and water closet compartments.

Subd. 5. Utilities. Except as otherwise provided by law, an owner or occupant may not cause service equipment or utility service that is required by this code to be removed, shut off or discontinued for any occupied dwelling let or occupied by that person, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

Subd. 6. Notice of maximum occupancy. An owner must advise the occupant, in writing, by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in occupied premises subject to this code.

425.15. Administration, enforcement; inspection.

Subd. 1. Administration and enforcement. The housing official is responsible for the administration and enforcement of this property maintenance code.

Subd. 2. Compliance. When the housing official determines that there exists in a building or a portion thereof conditions that constitute a violation of this property maintenance code, the housing official may begin enforcement procedures set forth in Crystal city code, section 306.

425.17. Licensing of rental units.

Subd. 1. General rule. It is unlawful to operate a rental dwelling without first having obtained a license, except for properties exempt under subdivision 2 of this subsection. The license is issued each year and expires on the anniversary date of issuance.

Subd. 2. Exemptions. The following properties are exempt from having to obtain a rental license from the city:

- (a) Properties that have applied for and received Relative Homestead status for property tax purposes;
- (b) Properties that are exempt from property taxes under Minnesota Statute, section 272.02 because they are a church parsonage; or
- (c) Supportive housing facilities that are licensed and inspected by the State of Minnesota.

Subd. 3. Application. This subsection establishes minimum standards for maintaining rental properties; i.e., general housing units, apartments, dwellings, dwelling units, accessory structures and related premises. A building and its premises used in whole or in part as a home or residence, or as an accessory structure thereto, for a single family or person, and a building used in whole or in part as a home or residence of two or more persons or families living in separate units must conform to the requirements of this subsection without regard to when the building may have been constructed, altered, or repaired. This subsection is intended to provide standards for licensed rental housing and to provide standards to allow resolution of violations of this property maintenance code.

Subd. 4. License fees. For license renewals, license fees are due no later than 60 days prior to the license expiration date. For general housing units or apartments intended for rental for which a license was not issued for the previous year, license fees must accompany the completed license application. License fees are set in Crystal city code, appendix IV. An application to renew a license submitted within 60 days from the date of expiration shall be subject to the following penalty surcharge amounts:

<u>Period Submitted</u>	<u>Penalty Surcharge</u>
59 to 50 days prior to expiration date	None
49 to 40 days prior to expiration date	25% of license fee
39 to 30 days prior to expiration date	50% of license fee
Within 30 days prior to expiration date	100% of license fee

Subd. 5. Conditions. A license is nontransferable. The license fee is not refundable upon revocation or suspension.

Subd. 6. Application; information. Applications for a license or renewal of a license must be made by the owner of a rental dwelling. Application forms are filed with the city, accompanied by the applicable fee. The applicant must provide:

- (a) Name, street address (a post office box number is not acceptable), email address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) Name, address, email address, and telephone number of designated resident agent, if any;
- (c) Name, address, email address, and telephone number of vendee, if the rental dwelling is being sold through a contract for deed;
- (d) Legal address of the rental dwelling;
- (e) Number of rental dwelling units within the structure;
- (f) Description of procedure by which tenant inquiries and complaints are handled by the owner; and
- (g) For properties with multiple owners, the names, street addresses and telephone numbers of all owners, one of whom must be designated as the primary contact.

Subd. 7. Notice of change. The licensee shall give notice in writing to the housing official within five business days after any change of the information in the application. Notice of transfer of ownership is governed by subdivision 13 of this subsection.

Subd. 8. Resident agent required. An operating license will not be issued or renewed for a nonresident owner of rental dwellings unless the owner designates in writing the name of a resident agent who is responsible for maintenance and upkeep and to institute remedial action to effect remediation of such orders on behalf of the owner. The housing official must be notified in writing by the owner of a change of resident agent.

Subd. 9. Conformance to laws. A license will not be issued or renewed unless the rental dwelling and its premises conform to this subsection, the ordinances of the city and the laws of the state of Minnesota.

Subd. 10. Inspection condition. A license will not be issued or renewed unless the owner of the rental dwelling agrees in the application to permit inspections pursuant to subdivision 18.

Subd. 11. Issuance of license following inspection. A rental license shall be issued in instances where no compliance orders are identified by the housing official for a rental dwelling unit. A conditional rental license shall be issued in instances where compliance orders have been identified and a copy of the orders provided to the owner. Compliance orders shall be provided to the owner within fifteen days after gaining access to the interior of all structures for the purpose of conducting the inspection. The owner of the property for which a conditional license is issued shall have a maximum of 60 days from the date of the inspection to make the necessary corrections and request reinspection for compliance. The conditional license may be revoked automatically by the city if the compliance orders have not been completed and verified as such by a reinspection within 60 days of the date of the initial inspection.

Subd. 12. Posting of license. The licensee of a building containing three or more rental dwellings must post the current license in a conspicuous location in the main entry in a frame with a glass or plastic cover. Every owner of a single-family or two-family rental dwelling must post the license issued by the city in a conspicuous location.

Subd. 13. Transfer. The licensee must give notice in writing to the housing official within five business days after having legally transferred or otherwise disposed of the effective control of licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings. For purposes of this subsection the term “effective control” means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property.

Subd. 14. Occupancy register required. The owner of a licensed rental dwelling containing one or more dwelling units must keep a current register of occupancy for each dwelling unit. The register must be available for viewing or copying by the housing official at reasonable times and at the scheduled time of the annual inspection. The register must provide the following information:

- (a) Dwelling unit address;
- (b) Number of bedrooms in dwelling unit;
- (c) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;

- (d) Dates renters occupied and vacated dwelling units;
- (e) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this section; and
- (f) A similar chronological list of corrections made in response to requests and complaints.

Subd. 15. License suspension or revocation. An operating license is subject to suspension, denial, or revocation by the city council if the licensed owner fails to operate or maintain licensed rental dwellings and units therein consistent with this section and the law. If an operating license is suspended or revoked by the city council in accordance with Crystal city code, subsections 1005.21 through 1005.23, it shall be unlawful for the owner to permit occupancy of a rental dwelling until a valid operating license is issued by the city council. Issuance of a new license after suspension, denial or revocation shall be made in the manner set forth in this section, but only after the housing official determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action, and only after the applicant/owner has appeared before the city council to formally request approval of the license application. The license application must be accompanied by all fees required by this section.

Subd. 16. License expiration or non-renewal. If a rental license expires and/or is not renewed, it shall be unlawful for the owner or owner's agent to thereafter permit the occupancy of the then vacant, or thereafter vacated, rental dwelling until such time as a valid rental license is obtained. In instances where the rental dwelling is occupied beyond the license expiration date and application for a license is subsequently submitted to the city, the application fee shall be doubled.

Subd. 17. Posted to prevent occupancy. Whenever a rental dwelling is occupied without having first been issued a rental license, or any initial or renewal application for a rental license has been denied, or a rental license has been revoked, suspended, or not renewed, the rental dwelling shall be posted by the housing official, and no person shall reside in, occupy, or cause to be occupied that rental dwelling until permitted by the housing official. No person other than the housing official shall remove or alter any posting.

Subd. 18. Enforcement; inspection authority. The housing official administers and enforces the provisions of this subsection. The housing official may inspect upon receiving a complaint, change in ownership, or otherwise when reason exists to believe that a violation of this subsection has been or is being committed. If the city finds that the circumstances of the occupancy following the issuance of the license involve possible code violations, substandard maintenance, or abnormal wear and tear, the city may re-inspect the premises during the licensing period. The housing official may seek warrants authorizing the inspection of property. Inspections must be conducted during reasonable daylight hours. The housing official must present evidence of official authority to the occupant in charge of a licensed rental dwelling.

Subd. 19. Inspection access. If an owner, occupant, or other person in charge of a rental dwelling licensed under this section fails or refuses to permit free access and entry for inspection purposes, the housing official may, upon a showing of probable cause, obtain orders from a court of competent jurisdiction for the inspection.

Subd. 20. Administrative fees. An administrative fee may be charged in instances where the property owner or resident agent fail to appear for a scheduled inspection or fail to contact the city to reschedule an inspection less than twenty-four hours prior to the scheduled inspection time.

425.19. Minimum requirements; implementation standards; policies.

Subd. 1. Minimum requirements. The minimum requirements imposed by this Crystal city code include: those standards or requirements in effect on the date of the construction of a building subject to this Crystal city code; the 2006 International Property Maintenance Code as amended; and imminent hazards including, but not limited to, the following:

- (a) Heating systems that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space;
- (b) Water heaters that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; not being vented; being connected 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 tapped or spliced wiring; exposed, uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems; ungrounded appliances in contact with earth;
- (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; or cross connection of pure water supply with fixtures or sewage lines;
- (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 it unsanitary for human occupancy, including lack of light and air; or
- (g) Infestation of rats, insects, and other vermin.

Subd. 2. Implementation policies. The city council, upon recommendation of the city manager, will adopt by resolution policies and guidelines for the implementation and administration of this code. These policies and guidelines must include, but are not limited to, standards and guidelines relating to:

- (a) Procedures for housing inspections;
- (b) Proper disposition of information gathered in connection with housing inspections;
- (c) Conditional occupancy of housing during periods needed for compliance;
- (d) Methods of encouraging the correction of deficiencies by cooperation between owner and proposed and current occupants; and
- (e) Ongoing training and education for owners of rental dwellings and city housing official.

425.21. Conduct on licensed premises.

Subd. 1. Conduct on licensed premises. It is the responsibility of the owner or licensee to prevent conduct by tenants or their guests on the licensed premises that cause the premises to constitute a disorderly property under Crystal city code, section 630. If the licensed premise constitutes a disorderly property, the rental license issued to the premises may be revoked, suspended, denied, or not renewed as provided in Crystal city code, section 630.

- (a) Crystal city code, sections 2010 (public nuisances), 605 (garbage and refuse) and 635 (litter).
- (b) Crystal city code, section 645 (noise control).
- (c) Crystal city code, section 910 (dog control, animals) and Minnesota Statutes, sections 609.226 and 347.56 relating to dangerous dogs.

- (d) Crystal city code, section 930 (drug abuse and control) or laws relating to the possession of controlled substances, unlawful sale or possession of small amounts of marijuana, and possession or use of drug paraphernalia as defined in Minnesota Statutes, sections 152.01 et seq.
- (e) Crystal city code, subsection 2005.01 (disorderly conduct) or laws relating to disorderly conduct as defined in Minnesota Statutes, section 609.72.
- (f) Crystal city code, Chapter XII (sale, consumption and display of liquor and beer) or laws relating to the sale of intoxicating liquor as defined in Minnesota Statutes, sections 340A.701, 340A.702, or 340A.703.
- (g) Laws relating to prostitution or acts relating to prostitution as defined in Minnesota Statutes, sections 609.321, subdivision 9 and 609.324, housing individuals engaged in prostitution.
- (h) Crystal city code, sections 935 (gun control) and 945 (use of firearms) or laws relating to unlawful use or possession of a firearm as defined in Minnesota Statutes, sections 609.66 et seq., on the licensed premises.
- (i) Laws relating to assault as defined in Minnesota Statutes, sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.
- (j) Laws relating to contributing to the need for protection or services or delinquency of a minor as defined in Minnesota Statutes, sections 260C, et. seq.
- (k) Laws relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house, all as defined in Minnesota Statutes, sections 609.33.
- (l) Minnesota Statutes, section 617.23, which prohibits indecent exposure.
- (m) Minnesota Statutes, section 609.595, which prohibits criminal damage of property.
- (n) Minnesota Statutes, section 609.50, which prohibits interference with a police officer.
- (o) Minnesota Statutes, section 609.713, which prohibits terroristic threats.

- (p) Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
- (q) Minnesota Statutes, section 609.71, which prohibits riot.
- (r) Minnesota Statutes, section 609.78, which prohibits interfering with “911” phone calls.
- (s) Minnesota Statutes, sections 609.75 through 609.76, which prohibits gambling.
- (t) Minnesota Statutes, section 243.166 (Predatory Offender Registration).
- (u) Minnesota Statutes, section 609.229 (Crime committed for benefit of a gang).
- (v) Minnesota Statutes, section 609.26, subdivision 1(8) (causing or contributing to a child being a runaway).
- (w) Minnesota Statutes, section 609.903 (Racketeering).

Subd. 2. Enforcement. The housing official is responsible for enforcement and administration of this subsection.

Subd. 3. First notice. Upon determination by the housing official that a licensed premise was used in a disorderly manner, as described in subdivision 1 of this subsection, the housing official must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

Subd. 4. Second notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period following an incident for which a notice in subdivision 3 of this subsection was given, the housing official must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the housing official within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 12 months.

Subd. 5. Third notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period after the second of any two previous instances of disorderly use for which notices were given to the licensee pursuant to this subsection, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed.

- (a) An action to deny, revoke, suspend, or not renew a license under this subsection must be initiated by the housing official who must give to the licensee written notice of a hearing before the city council to consider such denial, revocation, suspension or non-renewal. Such written notice must specify all violations of this subsection, and must state the date, time, place and purpose of the hearing. The hearing must be held no less than ten days and no more than 30 days after giving such notice.
- (b) Following the hearing, the city council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

Subd. 6. Ineligibility period. Upon a decision to revoke, suspend or deny or not renew a license for violations of this subsection, the owner/licensee will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed one year. Any person who has had two or more licenses revoked, suspended, denied or not renewed for violations of this subsection will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed two years.

Subd. 7. Timing of action. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this subsection may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

Subd. 8. Evidentiary standard. A determination that the licensed premises have been used in a disorderly manner as described in Crystal city code, subsection 425.21, subdivision 1 shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this subsection.

Subd. 9. Service of notice. All notices given by the city under this subsection must be personally served on the licensee, sent by certified mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.

Subd. 10. Non-exclusivity. Enforcement actions provided in this subsection are not exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state, or federal law.

425.23. Reporting; forms; records. The Crystal community development department is responsible for the preparation of forms and certificates necessary to carry out the provisions of this property maintenance code. The community development department will maintain records of rental licensing and will provide reports to the city manager upon request.

425.25. Hazardous conditions; built-in deficiencies; procedure.

Subd. 1. Procedure. If the housing official determines that there exists in a building a condition that constitutes an immediate hazard to the health and safety of its occupants, including but not limited to those identified in Crystal city code, subsection 425.19, subdivision 1, the official may:

- (a) Issue a compliance order requiring immediate compliance if the condition can reasonably be corrected;
- (b) Proceed against the building pursuant to applicable state laws relating to hazardous or unsafe structures; or
- (c) Recommend that the city council proceed to correct the condition by abating it as a nuisance under Minnesota Statutes, section 429.101, and this clause is to be construed as authorizing the imposition and billing of charges for the cost thereof and the assessment of unpaid charges against the property on which the building is located in the manner provided by Minnesota Statutes, section 429.101.

Subd. 2. Built-in deficiencies. It is determined that certain conditions within existing buildings, lawful at the time of the construction of the building, may not comply with the minimum requirements of this property maintenance code. Such conditions are herein referred to as “built-in deficiencies,” and the housing official, in administering this property maintenance code, must consider the following built-in deficiencies as being beyond reasonable correction.

- (a) Ceiling heights: An existing habitable room with less than a seven foot six inch ceiling height.
- (b) Superficial floor area: An existing habitable room of less than 90 square feet.
- (c) Natural light and ventilation: An existing habitable room with window area less than 10% of the floor area; provided, however, that in no case may the required area of light and ventilation be less than 5% of the floor area.

425.27. Inspections.

Subd. 1. Records. Inspections must be conducted during reasonable hours. The housing official must present evidence of authority to the owner or occupant in charge of a dwelling. Subject to the provisions of law, the housing official must keep evidence, exclusive of the inspection records, discovered or obtained in the course of an inspection confidential.

Subd. 2. Unfit for human habitation. A dwelling or portion thereof that 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. If a dwelling or portion thereof has been declared unfit for human habitation, the housing official must order the dwelling vacated within a reasonable time and post a placard on the dwelling indicating that it is unfit for human habitation. No person other than the housing official shall remove or alter any posting. The housing official will post the date the dwelling shall be vacated, and no person shall reside in, occupy or cause to be occupied that rental dwelling until the housing official permits it. An operating license previously issued for the dwelling will be revoked pursuant to law.

Subd. 3. Correction. It is unlawful to use a dwelling or portion thereof for human habitation until the defective conditions have been corrected and written approval has been issued by the housing official. It is unlawful to deface or remove the declaration placard from a dwelling or property.

Subd. 4. Secure unfit and vacated dwellings and accessory structures. The owner of a dwelling that has been declared unfit for human habitation or that is otherwise vacant for a period of 48 hours or more must make the 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. A vacant dwelling or accessory structure open at doors, windows, or wall opening, if unguarded, is deemed a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this subsection.

Subd. 5. Hazardous building declaration. If a 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 may be removed, razed or corrected pursuant to the provisions of Minnesota Statutes, sections 463.15 to 463.26.

Subd. 6. Compliance procedure. If the city determines that a structure or dwelling or portion thereof is in violation of an order or this code, the city may issue a compliance orders in accordance with Crystal city code, section 306.

425.29. Appeals; right of appeal. When it is alleged by a person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this section or upon a misstatement or mistake of fact, that person may appeal the compliance order to the housing official. The housing official must forward the recommendation to the city council within 30 days after receipt of this appeal. The appeal must:

- (a) Be in writing;
- (b) Specify the grounds for the appeal; and
- (c) Be filed with the housing official within ten business days after transmittal of the compliance order.

The filing of an appeal stays proceedings in furtherance of the action appealed from unless such a stay in the judgment of the housing official would cause imminent peril to life, health, or property. The city council must act promptly on the housing official's recommendation, and the housing official's recommendation may be reversed, modified or affirmed in whole or in part by the city council. The city council's disposition of the appeal is final.

425.31. Execution of compliance orders. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken in accordance with Crystal city code, section 306, or upon failure to comply with a modified compliance order within the time set therein, the city may remedy the cited deficiency in the manner provided for in Crystal city code, section 306.

425.33. Violations; penalties.

Subd. 1. General. It is unlawful to erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the city contrary to the provisions of this property maintenance code.

Subd. 2. Non-compliance. Failure to comply with a lawfully issued compliance order is a violation of this property maintenance code and is subject to enforcement procedures set forth in Crystal city code, section 306.