

**ORDINANCE NO. 2019-15**

**AN ORDINANCE AMENDING FAIRMONT CITY CODE, CHAPTER 27 – RENTAL HOUSING STANDARDS**

**THE CITY OF FAIRMONT DOES ORDAIN** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-3, Subsection (b), is hereby amended to read as follows:

Sec. 27-3. - Health and safety.

- (b) Garbage. The owner of each rental unit shall provide garbage collection containers, dumpsters or other garbage management options adequate to accommodate all garbage and recyclables generated by each rental unit. Owners of each rental unit shall provide to the city building official, with five days of request by the city building official, proof of current garbage contract covering each rental unit with a garbage hauler licensed in Martin County, Minnesota. Owners and tenants of single-family or multi-family units, shall comply with Fairmont City Code section 22-18.

SECTION 2. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-4, Subsections (a)(3) and (c), are hereby amended to read as follows:

Sec. 27-4. - Registration and licensing of rental units.

- (3) Paying the registration fee.
  - a. Rental housing units in existence on the date of the adoption of this chapter will not be charged the registration fee if the rental housing unit is registered within one hundred eighty (180) days of said adoption.
  - b. Every ~~three (3)~~ two (2) years the rental housing registration will be reapplied for and the then current registration fee will be paid.
- (4) Receiving a rental license for the unit from the city.
  - ...
- (c) License expiration. The rental license will expire ~~thirty-six (36)~~ twenty-four (24) months after the date of original registration.

SECTION 3. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-5, is hereby amended to read as follows:

Sec. 27-5. - Rental housing inspection.

- (a) The city has the authority to inspect any housing unit upon receiving a complaint of code violations and as a condition of license issuance or renewal.
- (b) A rental housing inspection for general health and life safety shall be completed at least once in a ~~three-two~~-year period; but does not have to be completed before licensing, but is a condition for continued licensing. Failure by an owner/licensee to receive a timely and satisfactory city

inspection noticed by the city building official or his or her designee is grounds for denial of issuance or renewal of a license and is grounds for suspension or revocation of a license that has been issued or renewed by the city.

- (c) The inspection ~~may~~must be completed by ~~the city Fairmont City staff~~ building official or his or her designee ~~designated to complete inspections for a fee or the property owner may hire a licensed home inspector to complete the inspection and submit the inspection checklist to the city.~~
- (d) ~~The community development department staff~~ The city building official or his or her designee will notify the owner of the date, place and time of any inspection conducted pursuant to this section. The owner may be present for the inspection. The owner is responsible for notifying the tenants and obtaining consent to enter their units for inspections.
- (e) Properties inspected by another state or federal agency are exempt from ~~three~~the two-year inspections.
- (f) The city will provide an inspection checklist to be completed and signed by the city inspecting party.
- (g) Items on the inspection checklist found to be incomplete, missing or inoperable will be corrected by the owner. The correction will be made in a time frame agreeable to the inspector, city building official or his or her designee, owner and tenant. A re-inspection to insure correction has been completed is required but no additional fee will be assessed. Failure by an owner/licensee to receive a timely and satisfactory city re-inspection noticed by the city building official or his or her designee, or to correct city identified violations or other deficiencies, is grounds for denial of issuance or renewal of a license and is grounds for suspension or revocation of a license that has been issued or renewed by the city. The failure to remove or correct each noted violation in the notice within the time period noted constitutes a separate violation for each day the violation continues to exist.
- (h) Units that pass an inspection during the two-year license period, and that do not receive a complaint or for which the building official has not otherwise identified any violation of city code or this chapter, within the ~~three~~ two-year license period are exempt from the inspection requirements herein for the next ~~three~~two-year period provided the rental unit remains fully compliant during the subsequent two-year period. All units must have an inspection after ~~six (6)~~ four (4) years without an inspection.
- (i) ~~The community development department staff~~ The city building official or his or her designee will be responsible for inspecting rental units and common areas when a tenant files a complaint with the city regarding code violations. ~~The tenant must notify the owner/representative of the code violation prior to making a complaint with the city.~~ The tenant must allow the owner/representative access to the area of the property needing repair.
- (j) Forms. The city shall provide forms upon which complaints may be made regarding the condition or license and registration status of any rental property.
- (k) Property condition complaints. Pursuant to Minnesota Statutes, section 14.44, subd. 1, the identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to Minnesota Statutes, section 13.02, subd. 3. The complainant shall either:
  - ~~(1) — Promptly provide to the owner/representative a copy of the complaint filed with the city and all supporting documents and shall give the owner/representative forty-eight (48) hours to correct the alleged code violation or~~
  - ~~(2) — Notwithstanding subsection (h) above of this Section, if the city receives a complaint concerning violations of city code or this chapter, the city building official or his or her designee shall provide not less than a seventy-two hours' written notice of its intention to have the city conduct an inspection of the rental unit, unless the city building official determines immediate action is required due to an emergency or imminent threat to public~~

health, safety or welfare. The owner is responsible for notifying the tenants and obtaining consent to enter their units for inspections. The owner/representative shall be assessed appropriate inspection fees if the complaint is found to be substantiated by this inspection.

- (l) When the city staff person building official or his or her designee makes an inspection as a result of a tenant complaint and no violations are found the city will issue a separate notice of compliance to the tenant and the owner/representative. If the complaint is substantiated by the inspection, written notice of the observed violation(s) will be separately given to the owner/representative and tenant. The city inspector city building official or his or her designee will work with the owner/representative to develop a timeline for the required repairs. A re-inspection will be conducted at the expiration of the time period set for repairs. If the repairs have been completed in a satisfactory manner, a notice of compliance will be issued separately to the owner/representative and the tenant. In the event the repairs have not been completed in a satisfactory manner further action will be taken as permitted by this Code or state law. Failure by an owner/licensee to receive a timely and satisfactory city re-inspection noticed by the city building official or his or her designee, or to correct city identified violations or other deficiencies, is grounds for denial of issuance or renewal of a license and is grounds for suspension or revocation of a license that has been issued or renewed by the city. The failure to remove or correct each noted violation in the notice within the time period noted constitutes a separate violation for each day the violation continues to exist.
- (m) License and registration complaints. Upon the determination of the city building official or his or her designee or upon receipt of a complaint and verification that a residential rental unit is not licensed or registered, the city shall inform the owner in writing that the owner has ninety (90) days to either:
  - (1) Comply with the terms of this chapter by registering the unit and by paying all applicable fees; or
  - (2) Cease rental operations.
- (n) No person may interfere with or hinder the city community development department, police department or the building official or his or her designee in the performance of their duties or refuse to permit inspections under this article.

SECTION 4. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-14, is hereby amended to read as follows:

Sec. 27-14. - Crime free rental housing program.

- (a) The City Council finds that repeated police calls to certain rental housing in the city occupied by persons with criminal histories have taxed law enforcement resources. The City Council also finds that persons residing in rental housing who engage in disorderly behavior or cause nuisance conditions create a hostile environment for others living in close proximity, thereby threatening the public health, safety and welfare. In order to preserve and protect the city's neighborhoods and to promote public safety, the City Council enacts this crime free rental housing program.
- (b) The crime free rental housing program, except with respect to the required criminal history inquires provided in this section, is a voluntary, three-phase certification program for rental properties of all sizes, including single-family rental homes. The program is available to owners and property managers of rental properties located within the corporate limits of the City of Fairmont. Necessary training and support of the program is designed to provide for ease of participation. The program is known to be effective in reducing criminal activity in rental properties. It is the policy of the City of Fairmont to encourage active participation in the program by all rental property owners and property managers.

- (c) It is the owner's responsibility to ensure the tenants, the tenant's family members and the guests of any tenant or tenant's family member do not engage in disorderly behavior or create nuisance conditions in the rental housing.
- (d) Criminal History Inquiries Required. An owner of rental property licensed under this chapter must conduct a criminal history inquiry of all prospective tenants and maintain documentation of the inquiry as long as the tenant resides at the property. Documentation of the tenant criminal history inquires such as a receipt demonstrating an inquiry was conducted must be made available for inspection upon request by the police or the city building official or his or her designee. Criminal history inquires must include the following:
- (1) A statewide (Minnesota) criminal history check of all prospective tenants covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions; the check must be done utilizing the most recent update of the state criminal history files;
  - (2) A statewide criminal history check from the prospective tenant's previous state of residence covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions, if available, if the tenant is moving directly from the previous state; and
  - (3) A criminal history check of any prospective tenant in their previous states of residence, if available, covering the last seven years including all misdemeanor, gross misdemeanor and felony convictions if they have not resided in the state for seven years or longer.

SECTION 5: This Ordinance shall take effect immediately after its publication.

Motion by:  
Seconded by:  
All in Favor:  
Opposed:  
Abstained:  
Absent:

Duly adopted by the City Council on this 22<sup>nd</sup> day of July 2019.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: July 8, 2019  
2<sup>nd</sup> Reading: July 22, 2019