

TITLE XVII: LOCAL LEGISLATION FOR HARTLAND, MN

Chapter

- 170. GENERAL PROVISIONS (Reserved)
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Parallel Reference Table of Local Ordinances

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CHAPTER 170: GENERAL PROVISIONS

[Reserved for local legislation]

Editor's note:

See Title I of the Minnesota Basic Code.

CHAPTER 171: ADMINISTRATION

[Reserved for local legislation]

Editor's note:

See Title III of the Minnesota Basic Code.

CHAPTER 172: PUBLIC WORKS

[Reserved for local legislation]

Editor's note:

See Title V of the Minnesota Basic Code.

CHAPTER 173: TRAFFIC CODE

[Reserved for local legislation]

Editor's note:

See Title VII of the Minnesota Basic Code.

CHAPTER 174: GENERAL REGULATIONS

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title IX of the Minnesota Basic Code.

Section

Health and Safety; Nuisances

174.01 Owners responsible for trimming, removal and the like

174.02 Abatement by city

§ 174.01 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

Section 92.38 of the Minnesota Basic Code shall be amended to read:

(A) All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 9 inches in height.

(B) These provisions shall not apply to an area established with meadow vegetation if:

(1) A permit has been obtained from the city council; and

(2) The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means; and

(3) A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign must be no smaller than ten inches square, no larger than one square foot, and no higher than three feet tall.

(August 2017)

§ 174.02 ABATEMENT BY CITY.

Section 92.42 of the Minnesota Basic Code shall be amended to read:

In the event that the property owner shall fail to comply with the "Destruction Order" within seven regular business days and has not filed a notice within 48 hours to the City Clerk of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

(August 2017)

CHAPTER 175: BUSINESS REGULATIONS

[Reserved for local legislation]

Editor's note:

See Title XI of the Minnesota Basic Code.

CHAPTER 176: GENERAL OFFENSES

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title XIII of the Minnesota Basic Code.

Section

General Provisions

176.01 Discharging firearms

§ 176.01 DISCHARGING FIREARMS.

Section 130.02 of the Minnesota Basic Code shall be amended to read:

(A) Shooting upon, over or near a cemetery. Except as provided by M.S. § 97A.137, for wildlife management areas that are 40 acres or greater, no person shall, without permission from the proper officials, discharge a firearm upon or over a cemetery or within 100 yards thereof, unless the person is upon his or her own land.

(B) Hunting near a city park. Except as provided by M.S. § 97A.137, for wildlife management areas that are 40 acres or greater, no person shall hunt, shoot, or kill game within 1/2 mile of a city park unless the City Council has granted permission to kill game not desired within the limits prohibited by this division.

(C) Discharge of firearms prohibited in certain places. No person shall discharge a firearm on a lawn, park, playground, orchard, or other ground appurtenant to a school, church, or an inhabited dwelling, the property of another, or a charitable institution.

(D) Discharging firearms on highways prohibited. No person shall discharge a firearm upon or over a public road or highway.

(E) Exceptions. This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law, or to any person in the proper exercise of

the right of self defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm in a manner contrary to the provisions of this section.

(F) If any of the above provisions are found to be in conflict with M.S. § 624.717, as it may be amended from time to time, the provisions of that statute shall prevail.

(August 2017) Penalty, see § 130.99

CHAPTER 177: LAND USAGE

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title XV of the Minnesota Basic Code.

Section

Zoning

177.001 Manufactured homes

§ 177.001 MANUFACTURED HOMES.

Section 151.24 of the Minnesota Basic Code shall be amended to read:

The city authorizes the placement of manufactured homes in residential districts within the city if such manufactured homes comply with the following conditions:

(A) Manufactured homes shall comply with all zoning regulations for the district in which they are located.

(B) A building permit and any other required permits shall be obtained for manufactured homes.

(C) All dwellings shall be constructed or placed upon a permanent foundation, which is located along the entire length of all exterior walls of the dwelling and is approved by the Uniform Building Code.

(D) All dwellings shall have a pitched roof no less than a 12X4 pitch, and shall be covered with shingles, tiles, or a standing seam metal roofing system and have eaves of not less than six inches.

(E) All such manufactured homes shall be built in compliance with any Minnesota Statutes regulating manufactured homes.

(F) Connection to city utilities, if available, shall be required.
(August 2017) Penalty, see § 151.99

A new chapter shall be added to the Minnesota Basic Code, as follows:

CRIME FREE RENTAL HOUSING

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IN GENERAL

§ 177.101 PURPOSE.

The purpose of this section is to protect the public health, safety, and the general welfare of the citizens of the City of Hartland who have as their place of abode, a room or rooms furnished to them for payment of a rental charge (including money, services, or other type of consideration) to another. The general objectives include:

- (A) To maintain a quality of character and stability of rental housing within the city;
- (B) To correct and prevent rental housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying rental dwelling units within the City of Hartland;
- (C) To assist in enforcing minimum standards for cooking, heating, sleeping and sanitary equipment necessary to the health and safety of the occupants of rental dwelling units;
- (D) To assist in enforcing minimum standards of light and ventilation necessary to health and safety;
- (E) To prevent overcrowding of rental dwelling units;

(F) To assist in enforcing minimum standards for the maintenance of rental housing; and

(G) To preserve and promote tax base growth throughout the city.
(August 2017)

§ 177.102 INTENT.

It is the intent of this section to establish a permanent mode of protecting and regulating the living conditions of the residents of the city who rent dwelling units.
(August 2017)

§ 177.103 DEFINITIONS.

The following words and terms, as used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

AGENT. A person appointed by the rental housing license holder, who resides within a 60 mile radius of the city measured from the Hartland City Hall, to whom the city may service notices pertaining to the administration of the provisions of the City Code pertaining to such rental housing.

DORMITORY. Buildings or spaces in buildings where group sleeping accommodations are provided; or a series of closely associated rooms without individual cooking facilities and with common toilet and bathroom facilities.

DWELLING UNIT. A single unit providing complete, independent living facilities for one person or persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ENFORCEMENT OFFICER. Law enforcement, fire and inspection department, city engineer, superintendents or any other city employee designated by the Hartland City Council to enforce the provisions of the City Code.

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

LONG-TERM HOTEL. Any hotel, as defined in M.S.A. § 157.01, in which a dwelling unit is held out or available to the public for sleeping or residential purposes for periods of one week or more.

MAIL SERVICE BY MAIL. By depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with first class postage prepaid thereon.

MAINTENANCE. An individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter a tenant's dwelling unit(s). Duties include, but are not limited to, performing specified repairs or maintenance to common areas as well as the inside of tenants' units of the premises.

MANAGER. An individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter a tenant's dwelling unit(s). The manager may also act as the property agent.

OCCUPANT. Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit for more than ten days in a consecutive 30-day period.

RENT. 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 as agreed upon.

RENTAL HOUSING. Any building structure or enclosure, including any dwelling, dwelling unit, mobile home, apartment, long-term hotel or rooming house, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants, rented or offered for rent by any person to any other person or persons for residential purposes by such other person or persons. **RENTAL HOUSING** does not include rest homes, convalescent homes, nursing homes, hotels, motels, dormitories or facilities currently licensed by the State of Minnesota.

ROOMING HOUSE. Any building or structure with rooms used or furnished for living and sleeping, but not cooking purposes, along with private or shared sanitation facilities, by or to the public as regular roomers for periods of one week or more.

UNRELATED. Individuals who are not related by blood, marriage, or adoption. For the purposes of this chapter, "related by blood" shall mean whole or half relation between a common ancestor or descendant, 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.

(August 2017)

§ 177.104 LICENSE REQUIRED.

(A) It is unlawful for any person, as the owner, manager, or other person having control of any dwelling unit, to lease, rent, offer for rent or lease, or permit to be leased, or permit the occupancy of any dwelling unit as defined in this section within the city without first having obtained a rental housing license for such dwelling unit as hereafter provided.

(B) It shall be unlawful for any person to occupy a dwelling unit within the city that is found to be in violation of this chapter.

(C) A rental housing license shall be required in the following situations:

(1) A dwelling unit rented or leased as defined by this chapter;

(2) A dwelling unit not occupied by the owner, but has one or more occupants that are unrelated to the owner of said unit; or

(3) A dwelling unit is not occupied by the owner, but has an occupant related by blood to the owner and more than one occupant that is unrelated to the owner.

(D) Licensing of owner occupied dwelling units.

(1) A dwelling unit is occupied by the owner and rented or leased by more than one occupant unrelated to the owner.

(2) An owner occupying a dwelling unit with more than one unrelated occupant shall not be required to obtain a rental license provided the property is not rented or leased as defined by this chapter.

(E) For the purposes of determining occupancy for rental purposes, the following standards shall apply:

(1) A guest may occupy a licensed or unlicensed dwelling unit provided the guest does not reside in the dwelling unit for more than ten days within a consecutive 30-day period and the guest has a documented permanent residence other than the dwelling unit in which they are considered a guest.

(2) The occupancy of a dwelling unit shall comply with the occupancy restrictions of the residential districts as stated in Chapter 151, Zoning Ordinance, of the City of Hartland.

(August 2017)

§ 177.105 APPLICATION.

Any property owner who desires to rent a dwelling unit located in the City of Hartland must obtain a rental housing license. Each application for a rental housing license as required by this section shall be made at the office of the Hartland City Clerk.

(A) New license applicants will be issued a provisional rental housing license after completing the application and determining a date for the required inspection. A provisional license is valid up to six months from the date of issue. A provisional license may be granted an extension by the inspection department.

(B) Certification of owner or agent. Prior to approving an application for a provisional rental housing license or rental housing license, the property owner shall provide certification of an agent and address upon which agent the city may serve notices pertaining to the property, which service shall be effective as if made upon the rental housing license holder.

(C) Certification of taxes and utilities paid. Prior to approving an application for a rental housing license, the property owner shall provide certification to the city that either:

(1) There are no delinquent property taxes and special assessments or the owner is current on a payment plan approved by the Freeborn County Treasurer; and

(2) There are no delinquent city utility fees or other financial claims of the city due upon the parcel of land to which the rental housing license application relates.

(D) Any false statement or omission shall render the application, and any license issued pursuant thereto, invalid and of no effect.

(August 2017)

§ 177.106 INSPECTION REQUIRED.

Upon receipt of an application for any rental housing license, an enforcement officer shall have access to and shall inspect the property to be licensed to determine whether such property complies with the provisions of applicable codes, statutes, and this chapter. For the purpose of making such inspections, the enforcement officer may enter, examine and survey all rental housing at reasonable times after obtaining consent from the resident of the premises or after the owner has given the resident reasonable prior notice of the inspection. All sections shall be uniformly enforced and may not exceed the applicable requirements of the Minnesota State Building Code.

(August 2017)

§ 177.107 LEASE AND LEASE ADDENDUMS.

All licensed rental housing shall have a written lease. All written leases shall contain a clause providing that conduct which would be a violation of this chapter shall constitute a material breach of the lease and grounds for termination of such lease.

(August 2017)

§ 177.108 LICENSE EXPIRATION.

(A) Rental housing licenses issued under this chapter shall be variable terms based on a point system determined by the council and fixed by resolution, a copy of which shall be in the office of the inspection division and uniformly enforced.

(B) All license terms will expire on the 31st day of January. Renewal applications and payment of license fees are due and payable on or before the date of expiration specified on the license. All rental licenses for which payment of license fees is over 30 days past due shall be automatically cancelled. Reissuance of a rental license for any property past due shall be handled as if the property were a new license.

(August 2017)

§ 177.109 TRANSFER.

To transfer the rental housing license from one property owner to another, the licensee shall give written notice including the name, address and phone number of the transferee and agent. The transferee must make an application to the city within 30 days of the transfer. Failure to complete this application prior to any transfer of the license property will result in the automatic forfeiture of the license.

(August 2017)

§ 177.110 LICENSE FEES.

Fees for rental housing licenses issued under this chapter shall be determined by the council and fixed by resolution, a copy of which shall be in the office of the city clerk and uniformly enforced.

(August 2017)

§ 177.111 LICENSE POSTING.

Every license of a rental dwelling shall be conspicuously posted in the main entryway or other approved conspicuous location. Every license holder or their agent shall provide a copy of the current license to any tenant or prospective tenant.

(August 2017)

§ 177.112 PROOF OF OCCUPANCY.

Each rental license holder, or their agent, shall maintain proof of occupancy for each rental housing license. This register shall be reasonably available for examination by authorized law enforcement and fire and inspection officials relating to an investigation, and shall contain the following information:

- (A) The address of the dwelling unit;
- (B) The number of bedrooms in the dwelling unit;
- (C) The names of the current tenants of the dwelling unit; and

(D) The telephone numbers of the current tenants of the dwelling unit.
(August 2017)

§ 177.113 BACKGROUND CHECK REQUIRED.

The license holder shall provide the office of the city clerk with any agent, manager and maintenance person's full name, date of birth, address and telephone number of such person(s), and required copy of background check, if required by M.S.A. § 299C.68. Whenever the agent, manager or maintenance person for a licensed property is changed, the license holder shall provide the office of the inspection division with the required information within 48 hours of such change.
(August 2017)

§ 177.114 REFUSE REMOVAL AND RECYCLING.

(A) Every tenant or occupant of a dwelling unit shall dispose of all his or her rubbish and recyclable materials in a clean and sanitary manner by placing it in the appropriate containers. License holders of rental units shall inform their tenants of the curbside recycling program provided by Freeborn County.

(B) The rental license holder shall provide garbage and recyclable facilities or containers where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

(C) At the time of application for a rental housing license, the applicant shall certify to the name and identity of the responsible party providing the removal of garbage and recyclables. The office of the inspection division shall be notified within ten days of any change in the identity of the party providing a removal service.
(August 2017)

§ 177.115 OWNER, AGENT AND MANAGER TRAINING.

(A) The City of Hartland shall offer rental property training sessions at least once per year. All tenants, license holders, their agents and managers will be invited to attend.

(B) License holders, or their agents or managers, are required to attend a training session upon receipt of their first notice of violation of this chapter, city codes or state statutes for a rental housing unit.

(C) Failure to attend required training sessions will be reasonable cause for the city council to refuse to grant or renew a rental housing license.
(August 2017)

§ 177.116 INFORMATION PACKET.

The City of Hartland will provide to each license holder an informational packet which the license holder, their agent or manager shall provide to each tenant or prospective tenant. The packet shall provide contact information on how the tenant may obtain details regarding disturbance notices pending against the property, and the potential effect disturbance notices may have.
(August 2017)

§ 177.117 CONDUCT BY TENANTS ON LICENSED PREMISES.

(A) The license holder shall use their best efforts to cause tenants or occupants to conduct themselves in such a manner as to not cause the premises to be a nuisance as provided for in this chapter, city codes or state statutes.

(B) Upon determination by the enforcement officer that the licensed premises were used by a tenant or occupant in violation of this chapter, city codes or state statutes, the enforcement officer shall notify the license holder and tenant or occupant by regular mail of such violation and direct them to take steps to prevent further violations.

(C) If another instance of violation of this chapter, city codes or state statutes, occurs on the premises by the same tenant(s) or occupant(s) within 12 months of an incident for which a notice in division (B) of this section was given, the license holder and tenant(s) or occupant(s) shall be notified of the violation of and shall also be required to participate in a Problem Solving Conference (PSC), scheduled and conducted by Hartland City Council and/or law enforcement. The purpose of the PSC shall be to develop, by consensus, a plan of action to reasonably ensure that future incident will not occur at the premises.

(D) If a third violation of this chapter, city codes or state statutes on the premises occurs by the same tenant(s) or occupant(s) within a 12-month period after receipt of notices pursuant to divisions (B) and (C), the rental license may be suspended or revoked by the city council. Such suspension or revocation will only be for the involved tenant's/occupant's unit(s).

(E) No suspension or revocation shall be imposed where the violation of this chapter, city codes or state statutes of the premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the license holder to a tenant to vacate the premises. Eviction proceedings shall not be a bar to sanctions unless diligently pursued by the license holder.

(F) It shall be irrelevant to proceedings hereunder that the tenant or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation.

(G) New tenants are not subject to enforcement action for previous tenants' nuisance violations.

(H) Public information of violation notices sent pursuant to this section is available on request. Landlords participating in the safe and crime free housing program will have access to information permitted by the Minnesota Data Privacy Act.
(August 2017)

§ 177.118 ENFORCEMENT OF HOUSING AND OTHER CODE VIOLATIONS.

(A) Generally. The enforcement officer is authorized and directed to make lawful inspections to determine the condition of rental housing within the city in order to safeguard the health and safety of the residents of dwellings units and of the general public.

(B) Owners, license holders and/or occupants of rental housing or dwelling units that are found to be in violation of this chapter shall be issued a notice and order. The notice and order shall contain statements advising that if the property is not brought into compliance by the completion date of the notice and order that the city council or designee may take appropriate legal action that:

- (1) May impose administrative penalties as established by council resolution;
- (2) May charge the owner, license holder, agent, and/or occupants with a criminal violation;
- (3) May suspend or terminate city utility services to the property; and
- (4) May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

(C) Any notice and order may be served by personal service or by mail upon the owner, license holder and agent. Occupants may be served by personal service or United States Postal Service to at least one occupant of the dwelling unit. If unable to serve the license holder, agent or occupant(s) by other means, the notice and order may be posted on the property.
(August 2017)

§ 177.119 RIGHT OF ENTRY.

(A) When it is necessary to make an inspection to enforce the provisions of the Hartland City Code, or when there is reasonable cause to believe a violation of the Hartland City Code exists within the particular structure, an enforcement officer may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the Hartland City Code.

(B) Resident to give access to owner or operator. Upon receiving reasonable prior notice, every resident of rental housing or a dwelling unit must give the owner, or the owner's agent or employee, access to any part of such rental housing or dwelling unit, or its premises, at all reasonable times for the

purpose of making repairs or alterations as are necessary to bring the dwelling into compliance with this section or with any other city code or state statute, rule or regulation.

(C) Search warrant. If consent is refused and if there is probable cause to believe a violation exists within the particular structure, a search warrant may be obtained. No warrant is needed for entry where an emergency condition or serious health and safety issue exists and sufficient time is not available to obtain a warrant and protect persons or property.

(D) Entry under this section is subject to M.S.A. § 504B.211.
(August 2017)

§ 177.120 ENFORCEMENT AUTHORITY.

The city council, or designee, is hereby authorized and directed to enforce all of the provisions of the Hartland City Code. For such purposes they shall be known and appointed as enforcement officers having the authority to issue notices of violation, issue citations for violations of the Hartland City Code, issue administrative penalties as established for violations of the Hartland City Code, cause work to be done to correct violations, issue orders for occupants to vacate a dwelling unit found to be in violation of the Hartland City Code, and order suspension of city services for properties found to be in violation of the Hartland City Code.

(August 2017)

§ 177.121 APPEALS; VARIANCES.

(A) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the board of appeals. This hearing and appeals therefrom and actions thereon shall be held and conducted according to provisions governing the board of appeals. Any order of the housing inspection shall be stayed pending disposition of the appeal.

(B) Upon application, the board of appeals shall hear appeals from and review any order of requirements or determination made by the housing inspector and shall determine whether there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article. The board may recommend that the council vary or modify any of the provisions relating to minimum housing standards, in a given instance on a temporary basis, so that substantial justice may be done and the intent of this article carried out.

(August 2017)

§ 177.122 VIOLATIONS.

Every person who violates this chapter when he performs an act thereby prohibited or declared unlawful or who fails to act when such failure is thereby prohibited or declared unlawful, upon conviction, shall be punished as for a misdemeanor in accordance with this chapter.
(August 2017)

§ 177.123 RESERVED.

HOUSING CODE

§ 177.124 DEFINITIONS.

(A) Whenever the terms "dwelling," "dwelling unit," "rooming," "rooming unit," "premises" are used in this article, they shall be construed as though they were followed by the phrase "or any part thereof."

(B) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BASEMENT. That portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground or having one sidewall area two-thirds exposed and above the average grade of the adjoining ground and the two walls adjoining the above side having one-third or more of wall area above the average grade of the adjoining ground.

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

CELLAR. That portion of the building partly underground having half or more than half of its clear height below the average grade of the adjoining ground.

DWELLING. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing, as defined in this section, shall not be regarded as a dwelling.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by a representative of the city health office.

GARBAGE. Discarded material resulting from the handling, preparation or consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

HOUSING INSPECTOR. The person so designated by the city council or any authorized representative of the housing inspector, including the public works director, a representative of the city clerk's office or fire chief.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

OWNER. Any person who, alone or jointly or severally with others, shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, which entitles him to the charge, care, control or right of management of any dwelling or dwelling unit, either as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner. All such persons shall be bound to comply with this article.

PLUMBING. Includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showerbaths, installed clothes-washing machines, catchbasins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

REFUSE. Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial wastes and including municipal treatment wastes which do not contain free moisture.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping, but not intended for cooking purposes.

ROOMINGHOUSE. Any hotel, motel or dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

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

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

(August 2017)

Cross-reference:

Definitions generally, see § 177.103.

§ 177.125 PURPOSE.

The purpose of this article is to:

(A) Establish minimum standards which shall govern the condition and maintenance of dwellings and make dwellings safe, sanitary and fit for human habitation;

(B) Fix certain responsibilities and duties of owners and occupants of dwellings;

(C) Authorize the inspection of dwellings and the condemnation of dwellings unfit for human habitation; and

(D) Fix penalties for violations.

(August 2017)

§ 177.126 HOUSING INSPECTOR.

A housing inspector, designated by the city council, shall have the duty of enforcing this article.

(August 2017)

§ 177.127 INTERFERENCE WITH INSPECTOR.

It is unlawful for any person to refuse entrance or impede an inspector in the performance of his or her duties, and all such inspectors shall have the right to enter, examine and survey all dwellings and

premises at all reasonable times to make necessary repairs or alterations to effect compliance with this article.

(August 2017)

§ 177.128 WORK DONE BY CITY; LIEN.

If the person served with notice under this article fails to comply with the notice within a reasonable time, the city council shall be authorized to employ the necessary labor and materials to perform emergency repairs or any demolition to the damaged building, dwelling or dwelling unit or portion thereof as may be deemed necessary for the general public health and safety. The city shall cause such expenses thus incurred in the repair or demolition of buildings or dwellings to be a lien upon such real estate. The city clerk shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes.

(August 2017)

§ 177.129 APPEALS; VARIANCES.

(A) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the board of zoning appeals. This hearing and appeals therefrom and actions thereon shall be held and conducted according to provisions governing the board of zoning appeals. Any order of the housing inspection shall be stayed pending disposition of the appeal.

(B) Upon application, the board of zoning appeals shall hear appeals from and review any order of requirements or determination made by the housing inspector and shall determine whether there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter. The board may recommend that the council vary or modify any of the provisions relating to minimum housing standards, in a given instance on a temporary basis, so that substantial justice may be done and the intent of this article carried out. No variance shall be granted for a period to exceed two years.

(August 2017)

§ 177.130 DESIGNATION OF UNFIT DWELLINGS AND CONDEMNATION PROCEDURES.

(A) Defects for determination. Any building, dwelling or dwelling unit which shall be found to have any of the defects stated in this subsection shall be condemned as unfit for human habitation and shall be so designated and placarded. All inmates and occupants shall be required to vacate the building, dwelling or dwelling unit, and safeguards shall be taken to prevent the public from entering the building, dwelling or dwelling unit as ordered by the housing inspector. An unfit building, dwelling or dwelling unit is one which:

(1) Is so damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested or so located that it creates a serious hazard to the health or safety of the occupants.

(2) Lacks illumination, ventilation, is structurally unstable, constitutes a fire hazard, lacks exit and sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(B) Notice of condemnation. Notice of an unfit building, dwelling or dwelling unit shall be given as provided in § 177.118.

(C) Vacation of premises. Any building, dwelling or dwelling unit condemned as unfit for human habitation or which is structurally unsafe and so designated and placarded by the housing inspector shall be vacated within a reasonable time as ordered by the housing inspector.

(D) Restoration. A building or structure or a portion thereof declared unsafe by the housing inspector may be restored to a safe condition for continued occupancy. However, if the damage or cost of reconstruction or restoration is in excess of 50% of the county assessor's market value of the structure on the premises, such building or structure, if reconstructed or restored, shall be made to conform to all provisions of this Code regulating the construction of the type of building to be rebuilt. The restriction on the cost of restoration shall only apply to structural changes, wiring and plumbing and shall not apply to fixtures and appurtenances to the basic structure.

(E) Approval for use as human habitation. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the housing inspector. The housing inspector shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated. No other person shall deface or remove the placard from any dwelling or dwelling unit.

(F) Demolition. Any dwelling declared as unfit for human habitation and which is not restored within a period of six months shall be considered a nuisance and unsafe building and shall be removed as provided by this chapter.

(August 2017)

§ 177.131 RESERVED.

MINIMUM STANDARDS

§ 177.132 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by § 177.133.

(D) Every occupant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste, which might provide food for rodents, in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage containers required by § 177.133. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

(E) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows wherever the screens, doors and windows are required under the provisions of this chapter or of any rule or regulation adopted pursuant to this chapter, except where the owner has agreed to supply such service.

(F) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. However, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(G) Every occupant of a dwelling unit shall keep all plumbing fixtures in the dwelling unit in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(August 2017)

§ 177.133 BASIC EQUIPMENT AND FACILITIES.

It is unlawful for any person to occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following:

(A) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.

(B) Every dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system.

(C) Every dwelling unit shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition and properly connected to a water and sewer system.

(D) Every kitchen sink, lavatory basin and bathtub or shower required under this chapter shall be properly connected with hot and cold water lines.

(E) Every dwelling unit shall be supplied with adequate refuse containers with provision for adequate pickup and disposal.

(F) Every dwelling unit shall have adequate garbage disposal facilities or garbage containers, with provision for adequate pickup and disposal.

(G) Every dwelling shall have supplied water heating facilities which are properly installed, which are maintained in safe and good working condition, which are properly connected with plumbing fixtures and which are capable of heating water to a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection where the dwelling or dwelling unit heating facilities are not in operation.

(H) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

(I) No variance from the requirements of this section shall be granted to any person who lets dwellings or dwelling units for occupancy except in extreme cases of emergency.
(August 2017)

§ 177.134 LIGHT, VENTILATION AND HEATING.

It is unlawful for any person to occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following:

(A) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of openable window area in every room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size, except where there is supplied some mechanical device affording adequate ventilation and approved by the housing inspector.

(C) Every bathroom and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in divisions (A) and (B) of this section, except that no window or skylight shall be required in an adequately ventilated bathroom and a water closet compartment equipped with a ventilation system which is approved by the housing inspector.

(D) Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor- or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner. Plug fuses of the Edison-base type shall be used only for replacements in existing installations where there is no evidence of overfusing or tampering.

(E) Every dwelling shall have heating facilities which are properly installed; are maintained in safe and good working condition; and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit at a distance three feet above floor level when the outside temperature is 20 degrees Fahrenheit below zero.

(F) Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures containing not more

than four dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(G) During the portion of each year when the housing inspector deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device, and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens. However, such screens shall not be required during such period in rooms deemed by the housing inspector to be located high enough in the upper stories of buildings as to be free from such insects and in rooms located in areas of the city which are deemed by the housing inspector to have so few such insects as to render screens unnecessary.

(H) Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(August 2017)

§ 177.135 MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS.

It is unlawful for any person to occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following:

(A) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair. All exterior wood or other material which is susceptible to deterioration by the action of weather must be protected by paint or a similar protective seal unless woods of natural resistance to decay or treated lumber are used. Those areas where the paint is extensively bubbled, cracked or peeled must be scraped and repainted. Woods of natural resistance to decay or treated lumber, if previously painted, must be refinished if the paint is bubbled, cracked or peeling. All interior walls and the ceiling finish must be in good condition.

(B) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be kept in sound working condition and good repair.

(C) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(D) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(E) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is necessary.

(H) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
(August 2017)

§ 177.136 SPACE, USE AND LOCATION REQUIREMENTS.

It is unlawful for any person to occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following:

(A) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(B) In every dwelling unit of two or more rooms, every room occupied for adult sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one adult occupant shall contain at least 45 square feet of floor space for each occupant thereof. In dwelling units of two or more rooms, every room occupied for sleeping purposes by more than one occupant under ten years of age shall contain at least 35 square feet of floor space for each occupant thereof.

(C) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. However, single-family dwellings may be exempted from this requirement.

(D) At least one-third of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall

not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(E) No cellar space shall be used as a habitable room or dwelling unit. In single-family residences, a bedroom will be allowed in the cellar when it meets the following requirements:

(1) The floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(2) The total window area in the bedroom is equal to at least the minimum window area sizes as required in § 177.134.

(3) Such required minimum window area will be in conformance with the schematic of such area, which is on file and available in the city offices.

(4) The total of openable window area in each room is equal to at least the minimum as required under the schematic of such area, which is on file and available in the city offices.

(5) All levels of smoke detection, as outlined in NFPA 101, is achieved plus an additional smoke detector placed in the cellar bedroom.

(6) The bedroom will be separated from the rest of the basement by walls constructed of not less than one-half-inch gypsum wall board on both sides of a two-by-four stud wall, with a door assembly with a 1 3/8-inch solid core bonded wood door.

(F) No basement space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;

(2) The total of window area in each room is equal to at least the minimum window area sizes as required in § 177.134;

(3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(4) The total of openable window area in each room is equal to at least the minimum as required under § 177.134, except where there is supplied some other device affording adequate ventilation and approved by the housing inspector.

(August 2017)

§ 177.137 RESERVED.

SAFE AND CRIME FREE RENTAL HOUSING PROGRAM

§ 177.138 PROGRAM AND PURPOSE.

The crime free rental housing program 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 Hartland. Necessary training and support of the program is designed to provide for the 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 Hartland to encourage active voluntary participation in the program by all rental property owners and property managers.

(August 2017)

§ 177.139 CERTIFICATION.

To obtain and maintain certification from the Hartland City Council, a member of the crime free rental housing program, a rental property owner, or property manager must successfully complete and implement the components of the crime free rental housing program within two years from the date of application to the program.

(August 2017)

§ 177.140 COMPONENTS OF THE PROGRAM.

The crime free rental housing program contains four components:

(A) Attendance at and successful completion of the management training component, consisting of:

- (1) The crime free rental housing program and ordinance;
- (2) Rental applications and housing discrimination;
- (3) Screening and background checks;
- (4) Lease and lease addendums;
- (5) Unlawful detainer and eviction;
- (6) Manager/owner policies and roles;
- (7) Data privacy;

(8) Narcotics and gangs;

(9) Section 8 [U.S. Housing and Community Development Act of 1974], rental assistance program or housing choice voucher program;

(10) Rental licensing.

(B) Compliance with crime prevention through environmental design (CPTED) requirements by owners and agents of rental housing located within the City of Hartland. Compliance will be indicated by completion of the following requirements:

(1) Single-cylinder deadbolt locks with one inch throws installed in each entry door for each dwelling unit;

(2) High security strike plate with three-inch screws installed in each entry door for each dwelling unit;

(3) Door viewer 180-degree peephole installed in primary entry door for each dwelling unit;

(4) Anti-lift/slide device installed on all windows and sliding glass doors;

(5) Security lighting adequate to illuminate exterior grounds;

(6) Landscaping in a manner that provides for visual sight lines;

(7) Address numbers shall be visible from the street. The Arabic numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch. The numbers shall contrast with their background.

(8) Compliance with all Minimum Housing Code requirements.

(C) At least once every 12 months make available, in cooperation with the Hartland City Council, training for tenants in respect to the following subject areas:

(1) The crime free rental housing program together with the concept of partnerships and sharing responsibilities.

(2) Crime concerns and prevention awareness techniques.

(3) Application of neighborhood watch program/principles.

(D) Include the crime free rental housing license addendum on implementation and enforcement as part of all written leases for crime free housing.

(August 2017)

§ 177.141 ANNUAL RETRAINING.

Following successful completion of the four-component program described in § 177.140, rental property owner or agents shall attend annual retraining sessions and maintain compliance with all program components.

(August 2017)

§ 177.142 ADDITIONAL RENTAL PROPERTIES.

Rental property owners who acquire additional rental properties following the successful completion of the program described in § 177.140 must bring those properties into compliance within two years from the date of acquisition. Rental property managers who add additional properties for which they are responsible following the successful completion of the program described in § 177.140 must bring those properties into compliance within two years from the date of assumption of management responsibilities.

(August 2017)

§ 177.143 DECERTIFICATION.

Owners or agents who do not maintain compliance with the certification requirements set forth in this section will lose their certification.

(A) The owner or agent will be notified of proposed decertification by mail postmarked at least 14 days prior to the proposed date for decertification. The owner or property manager may appeal the decision to decertify by providing written notice to the Hartland City Council prior to the proposed date for decertification.

(B) Decertification will not occur following an appeal until the owner has been afforded an opportunity for hearing before a crime free rental housing officer. The crime free rental housing officer shall provide a written notice of his determination to the owners and agents written ten days of the hearing date.

(C) Unless the owner or agent appeals the decision of the crime free rental housing officer to the Mayor of Hartland within seven days of issuance of the findings and recommendation, the Hartland City Council will decertify. If the owner or agent appeals the crime free rental housing officer's decision upon a form provided by the Hartland City Clerk within the prescribed time period, the owner or agent will be afforded an opportunity to have the city council review the findings and recommendations.

(D) An owner or agent who is decertified will not be eligible to reapply for crime free rental housing certification for a period of two years following the date of decertification.

(August 2017)

A new chapter shall be added to the Minnesota Basic Code, as follows:

POINT OF SALE BUILDING INSPECTION

| | |
|---------|--|
| 177.201 | Certificate of housing maintenance compliance for single- and two-family homes |
| 177.202 | Certificate required |
| 177.203 | Application and inspection |
| 177.204 | Issuance of certificate |
| 177.205 | Appeal |
| 177.206 | Occupancy prohibited |
| 177.207 | Occupancy |
| 177.208 | Additional inspections |
| 177.209 | No warranty by city |
| 177.210 | Remedies |

§ 177.201 CERTIFICATE OF HOUSING MAINTENANCE COMPLIANCE FOR SINGLE- AND TWO-FAMILY HOMES.

A Point of Sale Inspection is required prior to the sale of any residential property, including single-family homes, condominiums, townhomes, and apartment buildings. During the inspection, the building inspector looks for items in the home that present safety or maintenance concerns and that it meets basic building code standards. Following the inspection, the homeowner receives a "fix it" list that spells out the repairs that will be needed to bring the property into compliance with the city and/or county codes. The home seller must make the specified repairs and have the home reinspected before a Certificate of Housing Maintenance Compliance will be issued for the completion of the sale.

(August 2017)

§ 177.202 CERTIFICATE REQUIRED.

(A) No single- or two-family structure or dwelling unit which is a part of a multiple dwelling located within the city may be voluntarily conveyed for consideration by deed or contract for deed after July 1, 2017, unless the person relinquishing ownership or the agent of such person has first applied for and secured a certificate of housing maintenance compliance.

(B) This section does not apply to any apartment house or rental home licensed under §§ 177.101 et seq. of this code, and has no effect upon the provisions of law or other ordinances related to the issuance of building permits.

(August 2017)

§ 177.203 APPLICATION AND INSPECTION.

(A) Application for the certificate of housing maintenance compliance must be executed upon forms provided by the city and accompanied by the initial fee established in Appendix D of this code.

(B) Upon receipt of a properly executed application, the designated city building inspector, or his or her designee, will cause an inspection to be made of the premises to ensure the structure is in compliance with applicable provisions of the housing maintenance code.

(August 2017)

§ 177.204 ISSUANCE OF CERTIFICATE.

If the structure is in compliance with the requirements of the housing maintenance code, a certificate will be issued to the person relinquishing ownership or the agent thereof, stating that the structure has been inspected and is in compliance with the housing maintenance code. During the period of one year following its issuance, a certificate may be accepted by the city in satisfaction of the requirements of this section without the need for a second inspection.

(August 2017)

§ 177.205 APPEAL.

A determination that the structure is not in compliance with the housing maintenance code may be appealed in the manner provided in § 177.121.

(August 2017)

§ 177.206 OCCUPANCY PROHIBITED.

The person relinquishing ownership or their designated agent must obtain the certificate from the city prior to transfer of ownership. The prospective owner may not occupy the structure prior to issuance of the certificate, except pursuant to subdivision 6.

(August 2017)

§ 177.207 OCCUPANCY.

(A) A person may be granted permission to occupy a dwelling prior to issuance of the certificate upon the approval of the city building inspector, or his or her designee. The approval may be based upon undue hardship or other extraordinary or exceptional circumstances, provided that no such occupancy constitutes an immediate hazard, as determined by the inspector or his or her designee. Approval will not be given until the prospective owner or designated agent has filed on forms supplied by the city, a

statement of intent to comply with the housing maintenance code and submitted the required escrow. Compliance dates in the statement of intent to comply will be established by the city building inspector, or his or her designee.

(B) The inspector may also approve occupancy prior to issuance of the certificate if a cash escrow agreement is signed and submitted to the Hartland City Clerk or designee. The cash escrow agreement must be executed on a form provided by the city and accompanied by the fee established in Appendix D of this code. Failure to make the required corrections by the compliance dates in the statement of intent or within the terms of the cash escrow agreement is a violation of this code and will render void any approval given pursuant to this subdivision. If the city conducts any re-inspections beyond the initial inspection and one follow-up inspection, the applicant for a certificate will be required to pay the re-inspection fee as established in Appendix D of this code.
(August 2017)

§ 177.208 ADDITIONAL INSPECTIONS.

If following the issuance of a certificate, the city finds by complaint or otherwise that the structure may be maintained in a substandard manner, a new inspection will be required in order to satisfy the requirements of this chapter.
(August 2017)

§ 177.209 NO WARRANTY BY CITY.

By enacting and undertaking to enforce this chapter neither the city nor its council, agents or employers warrant or guarantee the safety, fitness or suitability of any dwelling in the city, and any representation to the contrary by any person is a misdemeanor. Purchasers or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare prior to purchase or occupancy of the dwelling, without reliance on this certificate. A warning in substantially the foregoing language will be printed on the face of the certificate.
(August 2017)

§ 177.210 REMEDIES.

Any person who violates the provisions of this chapter, or who makes a knowingly false statement in the application, is guilty of a misdemeanor. In addition, the city may enforce the provisions of this section in any court of competent jurisdiction in law or equity.
(August 2017)

REFERENCES TO LOCAL ORDINANCES AND RESOLUTIONS

| Ord. No. | Date Passed | Code Section |
|----------|-------------|---|
| - - | 8- -2017 | 174.01, 174.02, 176.01, 177.001, 177.101—177.143, 177.201—177.210 |

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