

CHAPTER 9: BUILDING REGULATIONS

Section

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SECTION 900: BUILDING CODE

900.01 Codes adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Ch. 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota State Building Code is hereby incorporated in this section as if fully set out herein.

900.02 Application, Administration and Enforcement.

Subd. 1 State law. The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minn. Stat. § 16B.62, subdivision 1, when so established by this section.

Subd. 2 Enforcement. This code shall be enforced by the Minnesota Certified Building Official designated by the Municipality to administer the code (Minn. Stat. § 16B.65) subdivision 1.

900.03 Permits and Fees.

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Subd. 1 Authorization. The issuance of permits and the collection of fees shall be as authorized in Minn. Stat. § 16B.62, subdivision 1.

Subd. 2 Assessment. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in the City of Pine City. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minn. Stat. § 16B.70.

900.04 Violations and Penalties. A violation of the code is a misdemeanor (Minn. Stat. § 16B.69).

900.05 Building Code Optional Chapters.

Subd. 1 Adoption. The Minnesota State Building Code, established pursuant to Minn. Stat. §§ 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

Subd. 2 Optional provisions. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality.

A. Chapter K (Grading) 2001 Supplement to the International Building Code.

B. Chapter 1335, Flood Proofing Regulations - parts 1335.0600 to 1335.1200.

900.06 Residential Rental Property Registration and Licensing.

Subd. 1 Purpose. The City recognizes a need for an organized inspection program of residential rental units within the City in order to establish minimum standards for rental units to meet City and State safety, health, fire and zoning codes within the City and to provide a more efficient system for compelling both absentee and local landlords to correct violations and properly maintain rental property within the City. The City recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and license of all residential rental units within the City so that orderly inspections can be undertaken.

Subd. 2 Definition. The term "residential rental property" means any building, structure, room, enclosure or mobile home including the real property upon which it is located and which surrounds it, which is rented or offered for rent by any person to any other person or persons for use for residential purposes by such other person or persons. Residential rental property does not mean on-campus dormitories, hospital units, nursing home units, assisted living units and hotels or motels with daily rental units, located within the City, all of which shall be specifically exempt from registration and license under this Section.

Subd. 3 Registration and License Requirements. It is unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential rental property within the City for which a registration statement has not been properly made and filed with City Hall and for which there is not an effective license. Initial registration and renewal shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

- A. Name, address and phone number of the property owner. In cases where the property is subject to a contract for deed, the contract for deed vendee shall be considered the owner for the purposes of this subsection.
- B. The name, phone number and address of any person authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
- C. The street address of the rental property.
- D. The number and types of units within the rental property (dwelling units or sleeping rooms).
- E. The maximum number of occupants for each dwelling unit or sleeping room.
- F. Off-street parking arrangements.

Subd. 4 Fees. There shall be an annual license fee as set by the City Council as set out in the fee schedule. The license and inspection fee may be amended from time to time by Council resolution.

Subd. 5 Manner of Registration and Renewal.

- A. The owner or his or her designated agent shall make initial registration for residential rental property existing on the effective date of this subsection by personally filing a registration statement at City Hall no later than October 1, 2002. Registered rental property existing on the effective date shall receive an interim license until the time as an inspection can first be made.
- B. Initial registration for property which is not residential rental property on the effective date of this Section or for licensed residential rental property when there is a change in type of occupancy shall be made by personally filing a registration statement at City Hall before the property is used as residential rental property or before use as a new type of occupancy.
- C. Each license issued pursuant to this subsection shall expire on the 31st day of December of the year for which it was issued. The City shall be required to mail annual renewal statements to the property owner or the designated agent on or before October 1st each year. Failure to receive a renewal statement from the City shall not excuse the owner

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from meeting the license requirements. Renewal statements must be returned to City Hall by October 31 of each year. Failure to return renewal form will result in an administrative penalty. Statements may be returned by mail, at the property owner's risk, to City Hall, 300 Fifth Street SE, Suite 1, Pine City, MN 55063.

D. If there is a change in the type of occupancy from the type stated in the registration statement, a new registration statement and license will be required to be filed at City Hall within 30 days of the date of the change.

E. A renter may at any time request an inspection of the rental property that shall be conducted at the renter's expense.

Subd. 6 Method and Manner of Certification.

A. Upon receipt of a registration statement, the City shall refer the application for an inspection. The inspection will be done by either a licensed firm as designated by the City Council, the City's Fire Marshal, or the City's Building Inspector with the advice and consent of the City Council for investigation and inspection. The purpose of the inspection is to ensure that all rental unit(s) meet code requirements under the State of Minnesota's Uniform Building Code, State of Minnesota's Uniform Fire Code and all city ordinances.

B. Each rental unit will be inspected approximately every two (2) years, but at a minimum of once every four (4) years. New construction would be slated for its first rental registration inspection prior to being issued a certificate of occupancy and then be scheduled four (4) years from the date of construction for its next scheduled inspection under this subsection provided that no modifications were made to the property. The City's officer or agent charged with the duty of making the investigation of inspection shall make a report thereon, after receiving an initial registration or a copy thereof, and the inspection and investigation shall be made within a reasonable time. No license shall be issued if the premises and building do not fully comply with the State of Minnesota's Uniform Building Code, the State of Minnesota's Uniform Fire Code and all City Code provisions.

C. Exceptions to inspection schedule. Any rental properties that are inspected by the State of Minnesota Fire Marshal's office, by a State of Minnesota Building Code Division Inspector or a certified inspector from the Office of Housing and Urban Development are exempt from City inspections as long as they provide their inspection compliance certificate to the City of Pine City when filing their annual registration application.

Subd. 7 Method of Correction. Whenever an inspector determines that any residential rental property fails to meet the requirements set forth in this subsection or any other City Code provision, he or she shall issue a notice setting forth the violations and ordering the owner, occupant or agent to correct such violations. This notice and order shall:

A. Be in written form;

- B. Describe the location and nature of the violation;
- C. Establish a reasonable time for the correction of any violation;
- D. Be served upon the owner or his or her agent, or the occupant as the case may require. The notice shall be deemed to be properly served if a copy thereof is:
 - 1. Served upon the owner or designated agent personally.
 - 2. Sent by first-class mail to the owner's or designated agent's last known address, or if this and fails.
 - 3. Posted in a conspicuous place on the dwelling affected.

Subd. 8 Transfer of Property. Every new owner of residential rental property (whether as fee owner or contract purchaser) shall be required to furnish to City Hall, the new owner's name, address and phone number and the name, address and phone number of the owner's designated agent upon closing of the transaction. No license fee shall be required of the new owner during the year in which the property is purchased provided that the previous owner has paid all license fees, has complied with all requirements of this subsection, and has corrected any violations of the City Code.

Subd. 9 License Suspensions and Revocation.

- A. Any license may be revoked or suspended at any time during the life of the license for grounds including, but not limited to the following;
 - 1. False or misleading information given or provided in connection with the registration statement or renewal;
 - 2. Failure to pay any fee herein provided for;
 - 3. Failure to permit any officer or employee of the City charged with the duty of making inspections of enforcing any City Code provisions, access to the premises at a reasonable hour to determine whether the facilities conform with the provision of this subsection;
 - 4. Violation by the certified owner or anyone operating there under, of any City Code provisions or laws of the State of Minnesota relating, pertaining to, or governing, the license and the premises;
- B. A suspended license shall be reinstated when the circumstances leading to the suspension have been remedied and a reinstatement and inspection fee as set by Council resolution has been paid. After a certificate has been revoked, a new certificate

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may be issued to the revoked owner only if the circumstances leading to the revocation have been remedied, a new registration is made, and an additional reinstatement and inspection fee as set by Council resolution has been paid.

Subd. 10 Failure to Grant Registration. The City reserves the right not to register a unit unless the rental unit(s) for which registration is sought complies with the State of Minnesota Uniform Building Code, State of Minnesota Uniform Fire Code and all city ordinances. If the City does not issue a license the owner is prohibited from renting the unit(s) until a license is received.

Subd. 11 Maintenance of Records. All records, files and documents pertaining to the Rental License Program shall be maintained at City Hall and made available to the public as allowed or required by State law and City Code provisions.

Subd. 12 Building Appeals Board. The City Council will establish and appoint a five-member Building Appeals Board to resolve disputes in connection with the Rental License Program under this subsection. This Board shall hear disputes and shall make recommendations to the City Council to resolve disputes arising between the City and the owner of the residential rental property registered and inspected pursuant to this subsection. The City Council will strive to have one (1) tenant and one (1) landlord serve on the appeals board.

Subd. 13 Appeal Process. Any property owner aggrieved by any action taken by the City in regard to the Rental License Program under this subsection may request a review by or may make an appeal to the Building Appeals Board as to the action of the City. An appeal must be made within ten (10) days from the City's action and shall be in writing, addressed to the Building Appeals Board. The property owner shall have the right to appear and be represented by counsel. The Building Appeals Board shall hear and consider the matter within thirty (30) days of the hearing. In the event of a tie vote, the action taken by the City shall stand.

Subd. 14 Authority. Nothing in this Section shall prevent the City from taking action under any of its City fire, housing, zoning or other health safety codes for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of the particular City Code provision or code under which the City would proceed against the property owner, designated agent or occupant of any residential rental dwelling unit covered by this subsection. Nothing contained in this subsection shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this subsection on registration and licensing to obtain an order closing such rental units until violations of this subsection have been remedied by the property owner or designated property manager.

Subd. 15 Posting. Every registrant of residential rental property shall post a receipted copy of the current license containing the information required by Subd. 3 (with the exception of telephone numbers) when received from the City. These items shall be conspicuously posted (in a frame with transparent cover) by the registrant in a public corridor, hallway or lobby of the rental

property for which it is issued. For other than multiple dwellings, the registrant must post the license certificate in a frame with a transparent cover in such a manner so as to be easily viewed and readable at or near the front entrance of the building for which it was issued.

Subd. 16 Enforcement. In order to compel compliance with the license requirements, the City or City's designee shall have the authority to enter any building, at reasonable times and upon five (5) days written notice to the tenant, to determine if the building is operated as a rental property as defined in Subd. 2, or to enforce the State of Minnesota's Uniform Building Code and/or State of Minnesota Uniform Fire Code.

Subd. 17 Applicable Laws. Registrants shall be subject to all City Code provisions and laws of the State of Minnesota relating to dwellings; and this subsection shall not be construed or interpreted to supersede any other such applicable City Code provision or law.

Subd. 18 Tenant Identification. When requested by the Sheriff's Department, property owners are required to provide names of tenants occupying rental property.

Subd. 19 Criminal penalties. If an owner does not comply with the provisions of this subsection, specifically including, but not limited to renting unit(s) without obtaining a proper license as defined in this subsection, the owner shall have committed a misdemeanor with the applicable penalties as set by then existing Minnesota law. Each day that a premises is actually rented to a tenant in violation of this subsection shall constitute a separate and additional misdemeanor offense.

