
CHAPTER 115: RENTAL HOUSING REGULATIONS

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§ 115.01 DEFINITIONS.

RENTAL HOUSING UNIT. Any building or structure, or portion thereof, which is designed, built, remodeled, rented, leased, let or hired out to be occupied, or which is occupied as a home or residence of a person or persons other than the owner or purchaser of record. This definition does not apply to dormitories owned and/or controlled by an established educational institution nor motel or hotel rooms customarily rented on a daily basis, nor does it include nursing home facilities, health care facilities, or assisted-living facilities that are regularly licensed and inspected by state health agencies.

§ 115.02 INSPECTION AND LICENSING.

It shall be unlawful for any person to conduct or operate or cause to be operated either as owner, lessee, agent or in any other capacity within the city any rental housing, as defined in §115.01, without having first obtained a license to do so as hereafter provided. Inspection of a rental dwelling shall be done prior to issuance of an initial rental housing license, prior to rental housing license renewal, and upon a rental housing tenant's filing of a complaint with the city of rental housing conditions that are subject to the standards herein.

§ 115.03 APPLICATION PROCEDURE.

(A) (1) Owners of rental property must conduct a criminal history of every prospective tenant through the Janesville Police Department. The applicant shall pay an investigation fee as established by resolution of the City Council.

(2) Failure to conduct a criminal history of a prospective tenant as provided in this chapter shall be considered a violation of this chapter. The owner of the rental housing unit shall be subject to suspension or loss of rental license as determined by the City Council

after hearing. The suspension or revocation may be for all units in a given building or complex of buildings. Notice of the intent to suspend a rental license shall be given by the city to the owner of the rental housing unit a minimum of ten days prior to a hearing to be held before the City Council.

(B) The owner of each rental housing unit shall make written application to the city for a license on a form to be supplied by the city and containing information as necessary to administer and enforce the provisions of and to insure compliance with the provisions of this chapter, and the minimum standards of the Uniform Housing Code. The legal owner of record of the rental housing unit shall make written application to the city for a license as herein provided prior to any initial occupancy, and, prior to license renewal. Every applicant for a license shall assist the city in making the inspection of the premises. This includes notifying the occupants of the building of the time when the inspection will be conducted and requesting their cooperation in the inspection.

§ 115.04 LICENSE TERMS AND CONDITIONS; VIOLATION.

(A) (1) If upon completion of the inspection of the building and habitable portions thereof, it is found that the minimum requirements of the Uniform Housing Code have been met, and the property as a whole is in compliance with this code, a license shall be issued. If the Housing Inspector finds code deficiencies, he or she shall list the deficiencies, note necessary corrections and give these findings to the building owner and no license shall be issued until the deficiencies are corrected. Upon re-inspection of licensed premises, if the inspector finds violations of the applicable codes, the owner shall be notified of the violations and ordered to correct them within a reasonable time. Failure to correct the violations as ordered may be grounds for revocation of the license.

(2) The inspector may suspend the license if the inspector determines that a violation constitutes an immediate hazard to the public health or safety, the health or safety of the tenant. Upon suspension of the license, a public hearing shall be scheduled within 15 days, before the City Council which may revoke the license, rescind the suspension or set other conditions as may be deemed reasonable. The units within a structure which are in compliance with the Uniform Housing Code minimal requirements may continue on condition that units in other portions of the structure in noncompliance do not create an immediate hazard to the health and safety to the persons in the occupied units. The extended occupancy may continue until final actions of the City Council.

(3) The suspended license may be revalidated upon meeting the requirements of the code with payment of 50% of the applicable license and inspection fee. Issuance of a new license after revocation shall be subject to a payment of the full amount of the applicable license and inspection fee.

(B) All licenses issued under this chapter shall be for a period of three years. The license period shall begin on July 1 and shall expire on June 30. The issuance of a temporary certificate preceding the actual issuance of a license shall not extend the expiration date of the license.

(C) (1) A license issued hereunder is transferable, for a fee in a amount determined by City Council resolution, to any person who has acquired ownership of a licensed building for the unexpired portions of the three-year term for which it was issued or reissued, provided that the application to transfer the license is filed with the city for change of ownership and the licensed building and dwelling units are in compliance with the Uniform Housing Code. The license shall terminate upon failure to apply for its transfer within 30 days of the date of sale or transfer of ownership of the building.

(2) The suspended license may be revalidated upon meeting the requirements of the code with payment of 50% of the applicable license and inspection fee. Issuance of a new license after revocation shall be subject to a payment of the full amount of the applicable license and inspection fee.

(D) Licenses issued under this section shall be prominently and publicly displayed on the premises of the structure, wherever feasible, or produced on demand by a tenant or prospective tenant, and shall be available at reasonable times for inspection by an authorized inspector of the City.

(E) It shall be unlawful for any lessor to rent a housing unit to a tenant in violation of this section, whether the occupancy is for a tenancy at will or by written lease.

§ 115.05 SCHEDULE OF FEES.

(A) At the time of application for the license or for license renewal required by this section, the Housing Inspector shall collect the appropriate license fee and inspection fee in accordance with the annual fee resolution.

(B) The license and inspection fees shall be paid upon application on or before date of initial license issuance or license renewal. The license fee shall be subject to a 10% penalty per month, or any portion thereof, beyond the date due and payable. No refund of license and inspection fees shall be made to those discontinuing operation or who sell, transfer, give away or otherwise dispose of a licensed building to another person. In the event it is determined by the City Administrator that an application must be denied due to legal restrictions that prohibit the issuance of the license, the applicant's tendered fees will be returned. The City Administrator shall review the fee schedule annually and recommend changes as the Administrator deems appropriate to the City Council. If the application is made after December 1, the fee shall be 50% of the fee otherwise due.

§115.06 CONDUCT ON LICENSED PREMISES.

(A) The license holder shall be responsible to prevent repeat instances of disorderly conduct by tenants, members of a tenant’s household and guests. For the purposes of this section, “disorderly conduct” means the following:

- (1) Violations of the city code;
- (2) M.S. § 609.72, as it may be amended from time to time;
- (3) Prostitution or prostitution-related activity committed within the building;
- (4) Gambling or gambling-related activity committed within the building;
- (5) Keeping or permitting a disorderly house within the building;
- (6) Unlawful sale, possession, storage, delivery, giving, manufacture, cultivation or use of controlled substances committed within the building;
- (7) Unlicensed sales of alcoholic beverages committed within the building in violation of M.S. § 340A.401, as it may be amended from time to time;
- (8) Unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of M.S. § 340A.503 (2), as it may be amended from time to time; or
- (9) Unlawful use or possession of a firearm in violation of M.S. §§ 609.66 (1)(A), 609.67 or 624.713, as they may be amended from time to time, committed within the building.

(B) (1) Upon determination by the Police Department, Housing Inspector or Health Inspector that the licensed premises were used in a disorderly manner, the City shall notify the license holder by mail of the violation and direct the license holder to provide a written plan of corrective action to address the violations to the City Administrator.

(2) If a building contains more than one rental unit, two or more incidents of disorderly conduct must consist of conduct:

(a) Anywhere in the building by the same tenant or lessee, or persons acting in conjunction with or under the control of the same tenant or lessee; or

(b) By any persons within the same rental unit while occupied by the same tenant or lessee or within two or more rental units while occupied by the same tenant or lessee.

(C) If another instance of disorderly use of the premises occurs within 12 months of an incident for which notice provided in division (A) above was given, the license holder shall be notified of the instance of disorderly use and shall also be required to submit a written report of actions taken by the landlord to eliminate future disorderly use of the premises. This written report shall be submitted to the City within five days of the notice of disorderly use of the premises and shall detail all actions taken by the license holder in response to all notices of disorderly use of the premises within the preceding 12 months.

(D) (1) If another instance of disorderly use of the premises occurs within 12 months after receipt of notices as pursuant to divisions (A) and (B) above, the rental housing unit license may be revoked or suspended by the City Council for the dwelling unit. The suspension or revocation may be for all units in a given building or complex of buildings.

(2) After suspension or revocation, the City Council may reissue the license if substantial improvements are made to correct problems causing the suspension or revocation and a license holder shall pay to the city a reinstatement fee as outlined in § 115.04 (A). A suspension may be stayed by the City Council subject to payment of the applicable reinstatement fees and no further violations of this section for a period of 12 months.

(E) No suspension or revocation shall be imposed where the instance of disorderly use of the premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the license holder to a tenant to vacate the premises where the disorderly use was related to the occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions however unless they are diligently pursued by the license holder.

§ 115.07 VIOLATION.

Violation of this Chapter 115 shall be considered a petty misdemeanor. Second or subsequent violations of violations of Section 115 in a five (5) year period shall be a misdemeanor.

CHAPTER 150: BUILDING REGULATIONS *PROPERTY MAINTENANCE CODE*

§ 150.30 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

There is hereby adopted by the City Council that certain code known as the International Property Maintenance Code prepared and published by the International Code Council, Inc. of which at least one official copy shall remain on file in the office of the City

Clerk and shall be available for public inspection and used during all regular business hours. The International Property Maintenance Code is hereby incorporated in and made a part of this Article as though fully set forth herein and such International Property Maintenance Code as it may be amended from time to time shall be known and may be cited as the Property Maintenance Code of the City of Janesville, Minnesota, and provisions thereof shall be controlling.

§ 150.31 PURPOSE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The purpose of the Property Maintenance Code is to provide minimum standards to safeguard life of limb, health, property and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all existing and future rental properties.

The purpose of the Property Maintenance Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.