

ORDINANCE AMENDING CHAPTER 10 OF THE VIRGINIA CITY CODE

Section 1.

That, pursuant to the provisions of the Virginia City Code, SECTION 10.39 shall be created in Chapter 10 as follows:

The City Council of the City of Virginia does ordain as follows:

SECTION 10.39 RENTAL REGISTRATION AND INSPECTION ORDINANCE

IN GENERAL

It is the purpose of this Ordinance to ensure that all rental units in the city are decent, safe, sanitary and operated and maintained in a manner that avoids the creation of a nuisance to the neighborhood, an influence that fosters blight and deterioration, or creates a disincentive to neighborhood reinvestment.

The council finds that providing for the public health, safety and welfare of its citizens occupying rental units requires a program that not only corrects substandard housing conditions and enforces a minimum habitability standard for rental units, but that also provides for the quiet enjoyment of the normal activities of life for occupants of rental properties and for the neighborhoods in which such rental properties are located.

Subd. 1. Virginia Property Maintenance and Preservation Code.

The City of Virginia has adopted the Virginia Property Maintenance and Preservation Code as Chapter 17 of the City Code. Adoption of amendments and new editions to Chapter 17 of the City Code shall be established by resolution of the City Council.

Subd. 2. Applicability of article.

This Article shall apply to all rental dwellings, rental dwelling units, housekeeping units, rooming units, rental units, buildings and premises located within the city, except that it shall not apply to suites and sleeping rooms in hotels, motels, or motor inns which are let to the public for periods of less than one month and to common areas in such hotels.

Subd. 3. Inspections; enforcement; fees.

A. For the purposes of attaining uniform acceptable building and maintenance standards in the city and enforcing this Chapter the code official is hereby authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m. all dwellings, dwelling units, housekeeping units, rooming units and other building and premises. The code official, prior to making such inspection, shall inform the owner or their agent of the date and time of the inspection by written notice. After notice has been given, the owner, occupant or the person in charge of the premises to be inspected, shall give the code official free access to conduct the inspection. Nothing in this Section shall be construed to prohibit the entry of the code official:

1. At any time when in the opinion of the code official an actual emergency tending to create an immediate danger to public health and safety exists; or
2. At any time when such inspection, examination or survey may be requested by the owner or occupant;

B. When an order to correct as provided in this Chapter has been issued, the code official is hereby authorized to enter and re-inspect the premises. The re-inspection shall be made by the code official and any other public officers as deemed appropriate by the code official. The owner, occupant or the person in charge of the premises shall give free access to the premises for the re-inspection;

C. Every occupant of a rental dwelling, dwelling unit or housekeeping unit shall give the owner thereof, or his agent or employee, access to any part of the premises, at all reasonable times, for the purpose

of making repairs or alterations necessary to effect compliance with the provisions of this Chapter or any lawful order issued pursuant to this Chapter.

Subd. 4. Service of notices and orders.

A. Whenever the code official determines that there exists a violation of any provisions of this Chapter, notice of the violation shall be issued to the owner of record or the owner's agent if known, as hereinafter provided.

Such notice shall:

- (1) Be written;
- (2) Identify the violations;
- (3) Provide a correction deadline. In determining the deadline, the code official shall consider, along with all other pertinent factors, the nature and extent of the work involved, the season of the year and the existence of any immediate danger to public health and safety;
- (4) The notice may be delivered by any reasonable means including, but not limited to personal delivery, e-mail notification or by United States mail, postage prepaid, to the last-known address of the owner or owner's agent, or by posting the notice in a conspicuous place on or about the premises;

B. Notices served pursuant to this Section shall become final orders unless an appeal is filed as provided in Subd. 5. All final orders shall be complied with or the premises vacated by the deadline provided in the order;

C. Whenever the code official finds that an emergency exists which requires immediate action to protect the public health and safety, the code official may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency notwithstanding the other provisions of this Chapter. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

Subd. 5. Appeals.

Any property owner aggrieved by an action of the code official against the owner's property in the enforcement of this Chapter may appeal such action to the building appeal board as defined by Chapter 17, Section 17.12. Any property owner aggrieved by an action of the building appeal board may appeal to the City Council.

Subd. 6 – Subd. 26 Reserved.

SECTION 10.40 RENTAL LICENSING

Subd. 1. Definitions.

A. The definitions contained in Virginia City Code, Chapter 17, Property Maintenance and Preservation Code, Sections 17.14 and 17.15, shall apply to this Article;

B. For purposes of this Article, the phrase "Dwelling" is defined as a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

C. For purposes of this Article, the phrase "Multiple Residential Building" is defined as a building with any dwelling let for occupancy joined to another dwelling let for occupancy at one or more sides by a party wall, floor or ceiling, including boarding houses, sleeping rooms, apartments, townhomes, twin homes, duplexes or quad homes, wherein eating, cooking and sanitation facilities may or may not be shared in common spaces. Each private dwelling area for living and sleeping shall constitute a rental unit when other facilities of eating, cooking or sanitation are shared among tenants.

D. "Rental unit" means any dwelling that is occupied by any tenants.

E. "Residence" means the primary dwelling where an individual lives and usually

sleeps;

F. “Tenant” means any adult person or emancipated minor who is occupying a dwelling under any agreement, lease or contract, whether oral or written, and for a period of seven or more consecutive or nonconsecutive days in any month, whether or not such occupancy requires the payment of rent, the payment of utilities or the provision of services, for the use of the dwelling;

(1) A tenant shall not include any owner of record and an owner’s natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with that owner as a family unit; significant other means romantic partner;

(2) A tenant shall not include a tenant’s natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with the tenant as a family unit; significant other means romantic partner;

Subd. 2. License required.

No owner of any rental unit shall permit the occupancy of any portion of a unit by any tenant unless that portion is licensed as required by this Article and such license is posted in a conspicuous place inside the unit for the duration of occupancy.

Subd. 3. Licenses--application, procedure, type.

The City of Virginia shall begin accepting applications for registration and license immediately after adoption of this ordinance. Rental properties should begin the process of inspection and licensure early in the first year the property is subject to regulation. A provisional license will be issued upon completion of the application. Initial inspections will be scheduled as inspection staff is available. The inspection official will issue a certified license upon successful completion of the initial inspection. After the first year of this program, the license procedure will be as indicated below without the provisional license provision. Not having completed the application, inspection and licensure by the end of the first year a license is applicable shall be a violation of this Chapter and the rental unit will be considered unlicensed and subject to penalties, fines or administrative action as contained herein.

A. Applications for rental licenses shall be filed with the code official by the owner or the owner’s agent and shall be accompanied by the required license fee. The code official may reject any incomplete application;

(1) Applications for license renewals shall be filed at least 90 days prior to license expiration;

(2) Upon receipt of a complete application and fees the code official may issue a license if the rental unit is eligible for licensure;

B. Rental units which comply with the State Building Code (Chapter 1305) and have been constructed and certified for occupancy within one year prior to date of application and are otherwise eligible for licensure shall be issued a license for the initial licensing period without further inspection;

C. All other rental units shall be inspected. The license fee shall cover general administration, the initial or renewal inspection, and one re-inspection, if required. Before a license is issued, a certificate of compliance from the designated inspector shall be required by the code official. Separate licenses shall be required for each rental unit. No license shall be issued unless the rental unit complies with the provisions of this Chapter and all other applicable laws;

D. Except as otherwise provided in this Article, any application for the renewal of an expired license shall be processed as a new license application and the rental unit must comply with all applicable laws;

E. If a rental license lapses as a result of the failure to comply with this Section, the license may be administratively reissued without regard to the provisions of paragraphs (a) through (c) of this Section for a period not to exceed 180 days of expiration, if within 180 days of the expiration of the license the owner complies with all other requirements of this Subd. 3;

F. The applicant shall identify a managing agent or contact person who resides within a 25 miles

radius of the city and who has the authority to act for the owner;

G. Except as otherwise provided, a short-term rental license may be issued for a period not to exceed 12 consecutive months for any dwelling under the following circumstances and pursuant to the following conditions:

- (1) The owner is the occupant of the dwelling unit at the time of application or the code official finds that the owner was the occupant within 30 days before the date of application; and
- (2) For professional, educational, medical, or military service reasons the owner intends to reside in another community located at least 50 miles from the city; and
- (3) The owner provides sufficient evidence of such intention to temporarily relocate. Such evidence may include, but is not limited to written offers of employment, employment transfer directives, a letter of acceptance from an educational institution, or military orders; and
- (4) The license may not be issued more frequently than once in any three year
- (5) The license shall be applied for in the same manner as other rental period; and licenses; and
- (6) Except as otherwise provided in this Article, the rental unit shall comply with all applicable rental licensing standards; and
- (7) A short term license may be extended for additional six months periods provided that an application for extension is received prior to the expiration of the short term license or six-month extension and adequate evidence justifying the extension is submitted.

Subd. 4. Fees.

Fees provided for in this Article shall be established by resolution of the City Council. License fees shall not be prorated, transferred, or refunded.

Subd. 5. Term of license.

Licenses issued pursuant to this Article shall be for a term of three years. The term shall commence on the license issuance date and expire three years from that date. All license renewals, including those authorized before expiration, and those administratively reissued, subject to Subd. 3 (E), shall retain the original license issuance month and day. License fees shall not be prorated.

Subd. 6. License conditions.

All rental units are subject to the following conditions:

- A. No license shall be transferred to another rental unit;
- B. At the principal exterior entrance to a rental unit an informational notice shall be posted that complies with the following requirements:
 - (1) The notice shall be displayed in a conspicuous place;
 - (2) The notice shall indicate the name, e-mail address and telephone number of the owner or managing agent;
 - (3) The notice shall be of such construction to remain readily visible for the term of the rental license.
- C. If there is a change in ownership of a rental unit, the new owner shall apply for a transfer of the license within 30 days of the change and pay the license transfer fee. If the rental unit is sold pursuant to a contract for deed, the purchaser shall be responsible for applying for the license transfer and providing a recorded copy of said contract for deed from the St. Louis County Recorder's office. A new license shall be issued for the remainder of the license period;
- D. If there is a change in managing agent, the new managing agent shall notify the code official in writing and update the notice in section B.(2) above within ten days of the change;
- E. The owner shall ensure that all required off street parking spaces, offered during the summer, are kept clear of snow during the winter.
- F. Owners are required to provide a minimum as follows. If a property has more than four (4)

bedrooms, one (1) additional parking space for each additional bedroom is required. Each parking space needs to be a minimum of 9' wide x 17' long.

(1) **Parking Spaces Required for Rental Licenses:**

1 Bedroom...	1 Space
2 Bedroom...	1 Space
3 Bedroom...	2 Spaces
4 Bedroom...	2 Spaces

(2) A Code official will require the construction of additional parking if they determine there is space on the rental property to provide or construct the required off-street parking space(s) in conformance with the Code. If it is determined that adequate off-street parking cannot be provided, the Council shall establish a non-conforming parking spot fee for each required space not provided.

Subd. 7. License Conditions – Short Term Rentals.

In addition to License Conditions found in Subd. 6 of this Section, All Short Term Rental units are subject to the additional following conditions:

A. The owner must disclose in writing to their renters the following information:

- (1) The managing agent or local contact's name, address, and phone number
- (2) The maximum number of guests allowed at the property
- (3) The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked
- (4) Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities
- (5) Applicable sections of City ordinances governing noise, parks, parking and pets

B. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.

C. The owner or owners agent shall provide a physical visual demarcation of the property lines.

D. The license holder shall keep a report; detailing use of the short term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to the Planning Department upon request.

E. In-Unit Posting. The following information shall be posted in a conspicuous place within the short term rental:

- (1) Name and contact information for the resident agent in charge of monitoring the property while renters are present
- (2) Street address of the subject property
- (3) Floor plan indicating fire exits and escape routes.

Subd. 8. Inspection procedure.

A. All premises licensed pursuant to this Article shall be made available for inspection by the code official at any reasonable time whether the request for inspection is in conjunction with the licensing of the rental unit or the result of a complaint. In addition, the code official may require the licensee to produce records and information demonstrating that the rental unit complies with any applicable licensee duties or mandatory rental agreement terms described in Subd. 3. Licensee shall retain all applicable records for the occupant during the term of occupancy, and for one calendar year thereafter.

B. If during the inspection or other investigation, violations of the provisions of this Chapter, or other applicable provisions of this Code are identified, or the licensee fails to produce records or information as requested by the code official, written notice shall be mailed to the licensee at the notification address on

file with the code official. The notice shall identify all violations identified and establish a reasonable time, not to exceed 180 days, in which all violations must be corrected or the rental unit vacated. At the end of the correction time, the rental unit shall be re-inspected. If the rental unit is not vacated or the violations are not corrected, the code official may take any of the following actions:

(1) Provide for an additional correction period. In no case may the total amount of correction time provided by the initial period and any additional period exceed 180 days;

(2) Revoke the license and order the vacation of the rental unit of all persons and property. The code official shall provide a reasonable time for vacation which shall not exceed 30 days;

C. If the code official revokes a license; written notice shall be mailed to the licensee at the notification address on file with the code official and posted in a conspicuous place at the rental unit.

Subd. 9. Violations, enforcement and penalties.

A. Violations. It shall be a violation of this Article, and a public nuisance, to do any of the following:

Allow tenant occupancy in any portion of an unlicensed rental unit;

(1) Allow tenant occupancy in any unlicensed portion of a licensed rental unit;

(2) Refuse entry to an inspection official where such entry is allowed pursuant to Subd. 3;

(3) Fail to comply with any final order of the code official;

(4) Advertisement by a property owner or owner's representative of any

dwelling or rental unit or any portion thereof as available for rent that is not licensed for rental at the time the advertisement is made. For purposes of this Section, advertisement includes, but is not limited to, oral or written notice, such as a poster or a paid announcement in the print, broadcast, or electronic media, designed to attract public attention or patronage;

(5) Advertisement by a property owner or owner's representative of any dwelling or rental unit or any portion thereof as available for rent without the rental application license number for the rental unit appearing in the advertisement. For purposes of this Section, advertisement includes, but is not limited to, oral or written notice, such as a poster or a paid announcement in the print, broadcast, or electronic media, designed to attract public attention or patronage;

(6) Failure to comply with City Code Chapter 17.

B. Continuing violations. Each day that a violation occurs or remains uncorrected after the final order of the code official shall constitute a separate violation;

C. Enforcement. The city has the following enforcement powers:

(1) The city may issue an administrative citation pursuant to Chapter 10, Section 10.37, Subd. 11 of the City Code;

(2) The city may pursue any other civil action in law or equity in any court of competent jurisdiction, including without limitation a request for a declaratory judgment, restraining order or a temporary or permanent injunction;

(3) The city may revoke a rental license and issue an order for vacation of the premises;

D. Penalties. The owner of any property where a violation of this Section occurs, and any person violating this Section, shall be guilty of a misdemeanor, as provided in Chapter 10, Section 10.37, Subd. 11 of the City Code.

SECTION 10.41 EMERGENCY REMEDIES IN RESIDENTIAL RENTAL PROPERTY

Subd. 1. Statement of purpose; scope.

It is the purpose of this Article to protect and promote the general health, safety and welfare of the citizens of Virginia by providing tenants an effective remedy against loss of heat, water, electricity, gas,

security or basic fire and life safety. This Article shall apply to all units enumerated in Subd. 2 of this Chapter which are rented or held out for rent to another.

Subd. 2 Emergency conditions, loss of heat, water, electricity, etc.

A. If, contrary to the rental agreement, the landlord fails to provide heat as required by Virginia Property Maintenance and Preservation Code, adopted by Subd. 1 above, running hot and cold water, electricity, gas or operable toilet or bathing facilities as required by law, the tenant may immediately notify the landlord and the building official, either orally or in writing, of the condition. The building official shall, as soon as possible thereafter, inspect the premises to ascertain whether such violation exists. If the building official finds the violation to exist, the building official shall immediately notify the landlord orally of the condition and cause written notice of the violation to be sent. If the landlord has not remedied the situation within 24 hours after receiving notice of the deficiency from the building official, the tenant may then correct the deficiency by paying a utility bill or causing the necessary repairs or corrections to be made, and may then deduct the amount of money actually used to correct the deficiency from future rent. All repairs made shall be made in conformance with applicable codes by persons who are licensed and permitted to perform the required work. In cases involving major repair or replacement of a heating plant, electric service, water service or sewer, where the apparent cost of the work exceeds \$500, the landlord shall have the right to approve the method of repair and to choose the contractor if, and only if, the landlord supplies temporary heat, water or electricity to the dwelling unit in accordance with this Chapter and if a written repair contract is signed within seven days after notice is given by the building official;

B. If the landlord fails to provide deadbolt locks or smoke alarms as required by law, the tenant may notify the landlord and the building official in accordance with Subd.2 (a) above and the building official shall inspect and notify the landlord of violations in accordance with said subsection. If the landlord fails to provide required deadbolt locks or smoke alarms within five days after receiving notice from the building official, the tenant may cause the corrections to be made and deduct the cost of such corrections from the rent as provided in said Subd.2 (a)

SECTION 10.42 CRIME FREE HOUSING PROGRAM

Intentionally left blank for future date.

SECTION 10.43. AUTHORITY

Subd. 1. Violation; penalty.

Any person who violates the provisions of this Article may be charged with a violation thereof and be subject to the penalty provided in City Code, Chapter 10, Section 10.37, Public Nuisances, Subd. 11, Penalty, which is a misdemeanor and shall be punished as established in MN Statute 609.02, plus the costs of prosecution in either case.

Subd. 2. Enforcement alternatives.

Enforcement actions provided in this Article shall not be exclusive, and the city may take any action with respect to a licensee, a tenant, or a rental unit(s) as is authorized by the City Code or state law.

Subd. 3. Retaliation; waiver prohibited.

No licensee or the licensee's agent shall bar or limit a tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct or impose a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct. A tenant may not waive and no such licensee or licensee's agent may require the tenant to waive the tenant's right to call for police or emergency assistance. Any such waiver contained in a rental agreement shall be null and void and unenforceable.

Subd. 4 Appeal.

The action of the code official to revoke, suspend, deny an application for rental license or deny renewal of a rental license made pursuant to this Section is subject to appeal as provided in Chapter 17, Subd 17.12 of the City Code.

Section 2.

This ordinance becomes effective six (6) months upon its passage and publication according to law.

Moved by _____, supported by _____, that the ordinance be adopted.

The Mayor declared the Ordinance adopted.

Adopted:

Effective:

Larry Cuffe, Jr.
Mayor

Attest: _____
Pamela LaBine
City Clerk