

Section 900 - Adoption of Minnesota State Building Code

900.01 Minnesota State Building Code Adopted. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 through 16B.75, is hereby adopted as the building code for the City of Big Lake. Such code, its supplements, amendments, additions, addenda, alterations, subtractions and revisions as currently adopted and which may in the future be adopted and incorporated as part of the code, is hereby conformed as the building code for this jurisdiction, and is incorporated into this Ordinance as if set out in full:

900.02 Application, Administration and Enforcement. The application, administration, and enforcement of the Minnesota State Building Code. The City Council, pursuant to Minnesota Statutes 16B.65, shall appoint a Building Official who shall attend to all aspects of Building Code administration. Additional members of a City Building Department shall be authorized by the City Council as needed. Organization of the City's Building Department shall be as established by Minnesota State Building Code. The Minnesota State Building Code shall be enforced within the incorporated limits of the City, and within the exterritorial limits permitted by Minnesota Statutes 16B.62.

900.03 Permits, Inspections and Fees. Permits shall be issued, inspections conducted, and fees collected as provided for in Minnesota Statutes 16B.62, Chapter 1 of the 1997 Uniform Building Code (UBC), and Minnesota Rules 1305.0106 and 1305.017. The application shall contain such information as may be deemed necessary for the proper enforcement of this Chapter or any other provision of the City Code.

900.04 Surcharge. In addition to the permit fee required under Section 3 above, the applicant for a building permit shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes 16B.70.

900.05 Investigation Fee. Upon an individual's application for a building permit to move a structure into the City limits, the applicant shall pay an investigation fee in the amount adopted by the Council in the fee schedule. This investigation fee shall be in addition to any regular fee for a building permit.

900.06 Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 910 - Multifamily Housing Registration Code

910.01 Statement of Purpose. The purpose of the Multifamily Housing Registration Code is to protect the public health, safety and general welfare of the people of this City. These objectives include, among others, the following:

- A. To correct and prevent multifamily housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health of city residents; and,
- B. To provide minimum standards for fire and life safety of occupants of residential multifamily buildings;

910.02 Landlord - Tenant Disputes. With respect to disputes between landlords and tenants, and except as otherwise specifically provided by terms of this Section, the City Council shall not intrude upon the accepted contractual relationships between landlords and tenants. The City Council shall not intervene as an advocate of either party, nor shall it act as an arbiter, nor shall it be receptive to complaints from landlords or tenants who are not specifically and clearly relevant to the provisions of the Multifamily Housing Registration Code. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. In enacting this Multifamily Housing Registration Code, the Council does not intend to interfere or permit interference with legal rights to personal privacy.

910.03 Scope of Applicability. This Multifamily Housing Registration Code establishes minimum standards for maintaining fire and life safety for multifamily dwellings, accessory structures and premises, and shall not exceed but shall supplement and further enable enforcement of the Minnesota State Building Code and the Minnesota State Fire Code. Applicable requirements shall apply to all apartment units, rooming houses or boarding houses containing three (3) or more rental housing units which may be used or intended for use for human habitation, and any accessory structures on the same premises.

910.04 Definitions. The following definitions shall apply in the interpretation and enforcement of this Multifamily Housing Registration Code:

Sub. 1 Accessory Structure. “Accessory Structure” shall mean a structure subordinate to the main or principal building or use, and which is not authorized to be used for living or sleeping by human occupants and which is located on or partially on the premises.

Subd. 2 Apartment or Apartment Unit (See also “Multifamily Dwelling Unit”). “Apartment”, or “Apartment Unit” shall mean a room or group of rooms located within a multifamily building and which forms a single habitable unit with facilities which are used or are intended to be used for living.

Subd. 3 Approved. “Approved” shall mean an indication that based on observations made by the Building Official, an item appears to meet construction, installation, and maintenance standards of the Minnesota State Building Code and/or Minnesota State Fire Code and of this Multifamily Housing Registration Code.

Subd. 4 Basement. Shall be as defined by the Minnesota State Building Code.

Subd. 5 Building. “Building” shall mean any structure having a roof and which may provide shelter or enclosure for persons, animals, or chattels. When such a structure is divided by party walls without opening, each portion of the building so separated shall be deemed a separate building.

Subd. 6 Building Official. “Building Official” shall mean the person designated by the City of Big Lake to fulfill the duties of Building Official as provided by Minnesota State Building Code or his authorized deputy.

Subd. 7 Dwelling. “Dwelling” shall mean a structure or portion thereof designed exclusively for residential occupancy, including boarding and lodging houses, but not including hotels and motels except as otherwise expressly provided in this Section.

Subd. 8 Multifamily Dwelling Unit (See also “Apartment” or “Apartment Unit”). “Multifamily Dwelling unit” shall have the same meaning as apartment unit as defined in Subdivision 2 above.

Subd. 9 Exit. “Exit” shall be as defined by the Minnesota State Building Code.

Subd. 10 Family. “Family” shall mean an individual, or two or more persons each related by blood, marriage, adoption, or foster children, living together as a single housekeeping unit; or a group of not more than six (6) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Subd. 11 Functioning. “Functioning” shall mean being in such physical condition as to safely perform the service or services for which an item is designed or intended.

Subd. 12 Habitable. “Habitable” shall mean a dwelling unit or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

Subd. 13 Multifamily Building. “Multifamily Building” shall mean any building or structure containing three (3) or more separate dwelling units, whether used solely or exclusively for residential purposes or otherwise.

Subd. 14 Occupant. “Occupant” shall mean any person (including owner or operator) living within a dwelling unit.

Subd. 15 Owner. “Owner” shall mean any person, firm or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care control of any multifamily building within the City as title holder, employee or agent of the owner, or as trustee of guardian of the estate or person of the title holder. Also, any person, firm or corporation who has the right to determine who occupies a multifamily dwelling unit (even though that right may be subject to a lease or rental agreement), or a person, firm, corporation who shall have the power to rent or let such premises to another for purposes of this Code.

Subd. 16 Person. “Person” shall mean any individual, firm, partnership, association, corporation, company or a joint venture or organization of any kind.

Subd. 17 Premises. “Premises” shall mean a platted lot or part thereof or unplatted parcel of land, and adjacent right-of-way either occupied or unoccupied non-dwelling structure, including building accessory structures.

Subd. 18 Public Hall. “Public Hall” shall mean a hall, corridor or a passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

Subd. 19 Repair. “Repair” shall mean to restore to a sound, acceptable state of operation, serviceability or appearance. Repairs shall be expected to last as long as with their replacement by new items.

Subd. 20 Replace or Replacement. “Replace” or “Replacement” shall mean to remove an existing or portion of a system and to construct or install a new time or a quality similar to that of the existing item when it was new. Replacement ordinarily takes place when repair of the items is impractical.

Subd. 21 Rooming House. “Rooming House” shall mean any group of rooms within a multifamily building, which form single habitable units used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Subd. 22 Safe. “Safe” shall mean the condition of being free from danger and hazards which may cause accident or disease.

Subd. 23 Story. “Story” shall be as defined by the Minnesota State Building Code.

Subd. 24 Story, First. “Story, First” shall be as defined by the Minnesota State Building Code.

Subd. 25 Unit. “Unit” shall mean any multifamily dwelling unit as defined in this Section.

Subd. 26 Unsafe. “Unsafe” as applied to a structure, shall mean a condition or a combination of conditions which are dangerous or hazardous to persons or property.

910.05 Minimum Standards.

Subd. 1 Basic Equipment and Facilities. No person shall occupy as an owner or occupant or let to another for occupancy any multifamily dwelling unit for the purposes of living therein which does not comply with the following requirements:

- A. Exits, Stairways, Porches and Balconies. Every exit, stairway or flight of stairs, whether inside or outside of a dwelling, and every porch or balcony shall be kept in safe condition, sound repair, and free of combustible materials and deterioration, in accordance with the Minnesota State Building Code and Minnesota State Fire Code. Every stairwell and every flight of stairs which is more than two risers high shall have handrails which conform to the Minnesota State Building Code. Every porch, balcony or deck which is more than thirty (30) inches high above the adjoining floor or grade shall be provided with a guardrail which conforms to the Minnesota State Building Code.
- B. Access to Multifamily Dwelling Units. Access to or egress from each multifamily dwelling unit shall be provided without passing through any other multifamily dwelling unit, storage room, mechanical room, bathroom or restroom, or vehicle garage.
- C. Numbering of Multifamily Dwelling Units. All multifamily dwelling units shall be numbered or lettered in an approved and conspicuous manner. No two units shall bear the same number or letter. Accessible units must be identified as prescribed by Minnesota State Building Code.

Subd. 2 Building Security and Door Locks. No person shall occupy as an owner or occupant, or let to another for occupancy, any multifamily dwelling unless a functioning security system is provided. Such security system must comply with the following requirements:

- A. Common Entrance & Security System. When access to a dwelling unit door is gained through a common corridor or entrance in a dwelling in which four (4) or more dwelling units share a common entrance or corridor, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of locked building entrance or foyer doors and locked doors leading from the hallways into individual dwelling units.
- B. Multifamily building entrance doors shall be automatically latching and locking, and shall meet all requirements of the Americans With Disability Act and the accessibility provisions of the Minnesota State Building Code. Such building entrance door hardware must be “classroom function” from the egress side, to unlock and unlatch with a single operation, and readily openable from the egress side without the use of a key or special knowledge or effort. An approved lock box accessible to the Fire Department shall be provided for access to the building.

- C. Dwelling Unit Doors. Every door that provides ingress or egress for a multifamily dwelling unit shall be equipped with an approved lock that has a dead locking bolt that cannot be retracted by end pressure; provided, however, that such doors shall be openable from the inside without the use of a key or any special knowledge or effort.

Subd. 3 Electrical Equipment and Alarm Systems. No person shall occupy as an owner or occupant, or let to another for occupancy, any multifamily dwelling unit for the purpose of living therein which does not comply with the following requirements:

- A. Electrical Equipment. Every multifamily dwelling unit and all public and common areas shall be supplied with functioning electrical service, functioning over current protection devices, functioning electrical outlets, and functioning electrical fixtures which are properly installed, which shall be maintained in a safe working condition and which shall be connected to a source of electric power.
- B. Required Fixtures and Devices. Electrical fixtures and devices required by Minnesota State Building Code and Minnesota State Fire Code shall be maintained in a safe and working condition.
- C. Exitway Illumination. Every public hall and stairway in every multifamily building shall be effectively illuminated by natural or electrical light at all times. A secondary power source by battery or other back-up power source shall be provided to all emergency illumination devices.
- D. Exit Sign Illumination. Illuminated exit signs shall be provided in accordance with Minnesota State Building Code and Minnesota State Fire Code. A secondary power source by battery or other back-up power source shall be provided to all illuminated exit signs.

Subd. 4 Heating Appliance Safety. No unsafe heating appliance shall be used by any person in a multifamily building or multifamily dwelling unit. Unsafe conditions include but are not limited to:

- A. Gas or electrical appliances designed primarily for cooking or water heating purposes shall not be considered or used as heating facilities.
- B. Portable heating equipment employing flame or the use of liquid fuel shall not be considered or used as heating facilities.
- C. No owner or occupant shall install, operate or use a space heater employing a flame that is not vented outside the structure in an approved manner.
- D. No multifamily building owner shall supply portable electric heaters to provide heat to a rental unit.

Subd. 5 Safe Building Elements. No person shall occupy or let to another for occupancy, any multifamily dwelling unit for the purpose of living therein which does not comply with the following requirements:

- A. Every foundation, roof, floor, exterior wall, interior wall, ceiling, stairway porch, deck, balcony and every appurtenance to each of the foregoing shall be structurally safe and capable of supporting normal structural loads as required by Minnesota State Building Code.
- B. Any equipment, utilities, chimneys and flues required by Minnesota State Building Code or Minnesota State Fire Code shall function effectively in a safe and working condition.
- C. Every yard, court or passageway on premises on which a multifamily building is located shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.

Subd. 6 Fire Safety. No person shall occupy as an owner or occupant, or let to another for occupancy, any multifamily dwelling unit for the purposes of living therein which does not comply with the following requirements:

- A. Every existing multifamily dwelling unit shall be provided with smoke detectors conforming to Minnesota Statutes, Minnesota State Building Code and Minnesota State Fire Code.
- B. Fire Detection and Alarm systems installed in multifamily buildings to monitor common use hallways and areas shall be maintained in good working order in accordance with Minnesota State Building Code and Minnesota State Fire Code. Such systems shall be connected to an approved central monitoring station and shall be tested and certified by a qualified fire alarm service company in writing to the Building Official within each multifamily housing registration period of two (2) years.

910.06 Inspection and Enforcement.

Subd. 1 Enforcement and Inspection Authority. The City Building Official shall administer and enforce the provisions of this Section. Inspections shall be conducted during reasonable hours.

Subd. 2 Search Warrants. If an owner, occupant or other person in charge of a multifamily building or multifamily dwelling unit fails or refuses to permit free access and entry to the structure or premises, or any part thereof, for an inspection authorized by this Section, the Building Official may, upon a showing that probable cause exists for the inspection or for the issuance of an order directing compliance with the inspection requirements of this Section with respect to such multifamily building or multifamily dwelling unit petition and obtain an order to inspect and/or search warrant from a court of competent jurisdiction.

Subd. 3 Compliance Order. Whenever the Building Official determines that any multifamily dwelling, multifamily dwelling unit or the premises surrounding any of these fails to meet the provisions of this Section, he/she may issue a Compliance Order setting forth the violations of this Section and ordering the owner, occupant, operator or agent to correct such violations. The compliance order shall:

- A. Be in Writing;
- B. Describe the location and nature of the violations of the Multifamily Housing Registration Code;
- C. Establish a reasonable time not greater than 6 months for the correction of such a violation and advise the person to whom the notice is directed of the right to appeal; and,
- D. Be served upon the owner or his/her agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is:
 1. Served upon him/her personally,
 2. Sent by certified mail return receipt requested to his/her last known address, or
 3. Upon failure to effect notice through (1) and (2) as set out in this Section, posted at a conspicuous place in or about the multifamily building or multifamily dwelling unit which is affected by the notice.

Subd. 4 Posting to Prevent Occupancy. The Building Official may post any multifamily building or structure covered by this Section as being in direct violation of the Section, and preventing further occupancy. Posting shall occur if any owner, agent, licensee or other responsible person has been notified by inspection report of the items which must be corrected within a certain stated period of time and that the corrections have not been made. Current occupants shall have not more than 60 days to vacate a posted property. Current occupants shall vacate posted property immediately if such occupancy will cause imminent danger to the health or safety or remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or dwelling which has been posted to prevent occupancy.

Subd. 5 Right of Appeal. When a person to whom a Compliance Order is directed alleges that such Compliance Order is based upon erroneous interpretation of this Section or upon a misstatement or mistake of fact, such person may appeal.

Subd. 6 Board of Appeals. Upon at least five (5) business days notice to the appellant of the time and place for hearing the appeal and within 30 days after the appeal is filed, the Board of Appeals shall hold a hearing on the appeal. All hearing notices shall be given in the same manner prescribed for giving notice of Compliance Orders under Subdivision 3 above. All appeals shall be conducted in accordance with the Minnesota State Building Code and the Minnesota State Fire Code.

910.07 Registration.

Subd. 1 Registration Required. No person, firm or corporation shall operate a multifamily dwelling in the City without having first registered the multifamily dwelling with the Building Official as provided in this Subsection. Each multifamily dwelling and unit shall be registered annually with the Building Official as well as submit payment for the annual registration. If the registration is denied, no occupancy of the multifamily dwelling units then vacant or which become vacant shall be allowed until authorized in writing by the Building Official. Apartment units within an unregistered multifamily building for which a registration application has been made and which units are in compliance with this Section may be occupied provided that the unregistered multifamily dwelling units within the multifamily building do not create a hazard to the health and safety of persons in occupied units.

Subd. 2 Registration Procedures. Within 90 days after the passage of this Ordinance, the owner of any multifamily building within the City shall register the building with the Building Official in the manner hereafter prescribed:

- A. Application shall be made on forms provided by the City and accompanied by the initial fee in an amount set by resolution of the City Council. The owner of a multifamily building constructed after the date of passage of this Ordinance shall register the multifamily building prior to actual occupancy of any multifamily dwelling unit therein.

- B. Applicants shall provide the following information on registration applications:
 - 1. Name and address of owner of the multifamily building and the name and address of the operator or agent actively managing said multifamily building.
 - 2. The name and address of the vendee if the multifamily building is being sold on a contract for deed.
 - 3. The legal description and address of the multifamily building.
 - 4. The number and kind of units within the multifamily building, the floor area for each such unit and the total floor area of the building.
 - 5. Name and address of person to whom owner/applicant wishes a certified letter to be sent for purposes of 1A.303(1)(d).
 - 6. Such other information as the Building Official shall legitimately require.

Subd. 3 Application and Inspection. After receipt of a properly executed application, the Building Official shall cause an inspection to be made of the premises to observe that the structure is in compliance with the requirements of this Multifamily Housing Registration Code.

Subd. 4 Issuance of Multifamily Housing Certificate of Compliance.

- A. If a multifamily building is observed to be in compliance with the requirements of this Code, a Certificate of Compliance shall be issued to the present owner, or agent which

shall state that the structure has been inspected and has been observed to be in compliance with the requirements of this Code. If the Multifamily building is observed to be in violation of this Code, the Minnesota State Building Code or the Minnesota State Fire Code, the Building Official shall provide written notice to the building owner or agent ordering correction of any violation within a reasonable period of time. If a violation is observed to present an imminent fire or life safety hazard, then the Building Official may impose additional remedies pursuant to Minnesota State Building Code and Minnesota State Fire Code.

- B. The City Building Official may charge the multifamily building owner or agent a re-inspection fee for additional inspections resulting from continued non-compliance. Such fee shall be in accordance with Minnesota State Building Code and in amount as determined by the building permit fee schedule established by the City of Big Lake

Subd. 5 Certificate of Compliance Display. A Certificate of Compliance issued under this Section shall be conspicuously displayed on the multifamily building premises.

Subd. 6 Certificate of Compliance Renewal. All multifamily buildings shall be inspected by the Building Official or his agent at least once every two (2) years. Upon determination by the Building Official that the multifamily building and premises appear to be in compliance with this Code, the Minnesota State Building Code or the Minnesota State Fire Code, the Building Official shall issue a new Certificate of Compliance.

Subd. 7 Suspension or Revocation. A Certificate of Compliance issued or renewed under this Section may be revoked or suspended upon a finding of noncompliance with the provisions of this Chapter.

Subd. 8 Registration Fees. Annual Fees for registration, inspection fees, re-inspection fees and violations shall be established by the City’s fee schedule which will be reviewed annually by the City Council.

910.08 Remedies. The City may pursue any and all remedies as prescribed by Minnesota Statutes, Minnesota State Building Code and Minnesota State Fire Code.

Subd. 1 Failure to Comply. Upon failure to comply with the Compliance Order within the time set within the Order, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set within the Order, the criminal penalty established under this Section notwithstanding, the City Council, after due notice to the owner, may be resolution declare the condition to constitute a public nuisance and cause the cited deficiency to be remedied as set forth the Compliance Order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in accordance with the Minnesota Statutes Chapter 429, for abatement of nuisances and specifically for the removal or elimination of public health or safety hazards form private property. Any assessment levied under this Section shall be payable in a single installment. The intent of this Section is to authorize the City to utilize all of the

provision of this Maintenance Code and of Minnesota law to protect the public’s health, safety and general welfare.

Subd. 2 Remedies Cumulative. Any remedies pursue under this Subsection are in addition to the remedies or penalties prescribed under Subsection 910.09.

910.09 Violations and Penalties.

Subd. 1 Prohibited Acts.

- A. No person, firm, corporation, or registrant shall own and maintain or operate or rent to any other person for occupancy any multifamily building, multifamily dwelling unit, or premises in which a multifamily dwelling unit is located in violation of this Maintenance Code.
- B. No person, firm, or corporation shall operate a multifamily building or multifamily dwelling unit without a Certificate of Compliance issued pursuant to this Section.
- C. No person, firm, corporation, or registrant shall refuse or fail to allow the Building Official to enter a multifamily building or multifamily dwelling unit for purposes of inspection when authorized by this Section.
- D. No person, firm, corporation or registrant shall fail or refuse to obey a Compliance Order validly issued under this Section.
- E. No person, firm, or corporation shall give or submit false information on a registration application or any renewal thereof.
- F. No person who is an occupant of a multifamily building or multifamily dwelling unit shall cause a multifamily dwelling unit to become in violation of any standards set forth in this Section.
- G. No person shall occupy an unregistered multifamily dwelling unit if such dwelling unit is required to be registered under this Section.
- H. No occupant of any multifamily dwelling unit shall fail to allow or refuse entry to the Building Official for purposes of inspection when authorized by this Section.
- I. No person may occupy a multifamily building, multifamily dwelling unit or premises posted pursuant to Subsection 910.66, Subd. 4
- J. No person who owns or operates multifamily building shall allow to be occupied or let to another for occupancy any multifamily dwelling unit required to be registered under Subsection 910.07, without a Certificate of Compliance issued pursuant to the provisions of this Section.

K. No person, firm, or Corporation, including an owner, registrant or occupant, shall remove or tamper with a placard used for posting property pursuant to this Section.

Subd. 2 Misdemeanor. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Section shall be guilty of a misdemeanor.

Section 915 – Single or Two Family Rental Housing Registration Code

915.01 Statement of Purpose. The purpose of the Single or Two Family Rental Housing Registration Code is to promote the health, safety and welfare of the citizens of Big Lake by ensuring that landlords of single or two family units comply with City and State code.

915.02 Landlord - Tenant Disputes. With respect to disputes between landlords and tenants, and except as otherwise specified by terms of this Section, the City Council shall not intrude upon the accepted contractual relationships between landlords and tenants. The City Council shall not intervene as an advocate of either party, nor shall it act as an arbiter, nor shall it be receptive to complaints from landlords or tenants who are not specifically and clearly relevant to the provisions of the Single or Two Family Housing Registration Code. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. In enacting this Single or Two Family Housing Registration Code, the Council does not intend to interfere or permit interference with legal rights to personal privacy.

915.03 Scope of Applicability. The Single or Two Family Housing Registration Code establishes a process by which the City of Big Lake can maintain a list of single family rental units. The Single or Two Family Housing Registration Code shall apply to all single family rental units as defined in this code.

915.04 Definitions. The following definitions shall apply in the interpretation and enforcement of this Multifamily Housing Registration Code:

Subd. 1 Dwelling. “Dwelling” shall mean a structure or portion thereof designed exclusively for residential occupancy, including boarding and lodging houses, a kitchen or cooking facility but not including hotels and motels except as otherwise expressly provided in this Section.

Subd. 2 Dwelling, Single Family. A building designed for and exclusively occupied exclusively by one (1) family.

Subd. 3 Dwelling, Two Family. A building designed exclusively for occupancy by two (2) families in separate dwelling units.

A. Duplex. A two-family dwelling with one unit above the other.

B. Twinhome. A two-family dwelling with two units side by side.

Subd. 4 Family. “Family” shall mean an individual, or two or more persons each related by blood, marriage, adoption, or foster children, living together as a single housekeeping unit; or a group of not more than six (6) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Subd. 5 Occupant. “Occupant” shall mean any person (including owner or operator) living within a dwelling unit.

Subd. 6 Owner. “Owner” shall mean any person, firm or corporation who, alone, jointly, or severally with others, shall be having charge, care control of any building within the City as title holder, employee or agent of the owner, or as trustee of guardian of the estate or person of the title holder. Also, any person, firm or corporation who has the right to determine who occupies a single family rental unit (even though that right may be subject to a lease or rental agreement), or a person, firm, corporation who shall have the power to rent or let such premises to another for purposes of this Code.

Subd. 7 Person. “Person” shall mean any individual, firm, partnership, association, corporation, company or a joint venture or organization of any kind.

Subd. 8 Premises. “Premises” shall mean a platted lot or part thereof or unplatted parcel of land, and adjacent right-of-way either occupied or unoccupied non-dwelling structure, including building accessory structures.

Subd. 9 Single Family Rental Unit. “Single Family Rental Unit” shall mean a single family dwelling leased to a non-owner of the property for any duration of time.

Subd. 10 Two Family Rental Unit. “Single Family Rental Unit” shall mean a two family dwelling leased to a non-owner of the property for any duration of time.

Subd. 11 Unit. “Unit” shall mean any dwelling unit as defined in this Section.

915.05 Registration.

Subd. 1 Registration Required. No person, firm or corporation shall operate a single or two family rental unit without first registering the single family rental unit with the City of Big Lake as provided in this section.

Subd. 2 Registration Procedures. Within 180 days of the passage of this ordinance, any person, firm or corporation operating a single or two family dwelling unit shall register it with the City of Big Lake in the following manner:

- A. Application shall be made by filling out forms provided by the City of Big Lake. The forms shall be submitted to the City of Big Lake with the fee that is outlined in the City’s fee schedule which may be updated periodically.
- B. Application forms shall at a minimum require the owner to provide contact information for the property owner including a mailing address and phone number, and single or two family rental unit property address.

After receiving completed registration forms and associated fee, the City’s Zoning Administrator or his/her designee shall review the forms and upon deeming them satisfactory, shall notify the applicant in writing that the application has been accepted.

Subd. 3 Single or Two Family Rental License Renewal. All Single or Two Family Rental Units shall be required to submit a registration form every two years unless there is a change in ownership or management. If there is a change in ownership or management of the Single or Two Family Rental Unit, the new owner or manager shall submit new forms to the City. The city shall serve a 30 day notice prior to the expiration of the license.

Subd. 4 Suspension or Revocation. A Single or Two Family Rental Unit Rental License issued or renewed under this Section may be revoked or suspended upon a finding of noncompliance with the provisions of this Chapter.

The City Administrator may suspend or revoke a rental registration pursuant to section 915.06 of this code. A notice to suspend or revoke the registration shall be sent to the owner of the single or two family rental unit 40 days prior to the effective date of the revocation or suspension.

The owner of the single or two family rental units may appeal a revocation or suspension to the City Council by submitting written notice of appeal within 30 days of receipt of the notice of revocation or suspension of the rental registration.

The owner of the single or two family rental unit shall receive 10 days’ notice of a hearing before the City Council for the appeal. At the hearing, the owner or his or her designee will be allowed to present evidence. After the hearing, the Council will determine to uphold, dismiss, or change the findings of the City Administrator. Within 30 days following the meeting, the City Council shall send written findings and decision from the hearing.

915.06 Violations and Penalties.

Subd. 1 Prohibited Acts. For the purposes of this Ordinance, any of the following shall constitute a violation:

- A. Violation of Section 500 of this code relating to public nuisances, offenses and other regulations.
- B. Violation of Minnesota State Statute 152.01 relating to the possession of controlled substances.
- C. Violation of Section 400 of this code relating to intoxicating liquor.
- D. Violation of Minnesota State Statute 609.72 relating to disorderly conduct.

- E. Violation of Minnesota State Statute 617.23-617.75 relating to obscenity.
- F. Violation of Minnesota State Statute 609.221-609.224 relating to assault.
- G. Violation of Minnesota State Statute 609.321-322 relating to prostitution, solicitation, inducement and sex trafficking.
- H. Violation of Minnesota State Statute 609.595 relating to damage to property
- I. Operating a single or two family rental unit without a single or two family rental license issued pursuant to this Section.
- J. Giving or submitting false information on a registration application or any renewal thereof.
- K. Occupying an unregistered single or two family rental unit if such unit is required to be registered under this Section.

The City Administrator and/or his or her designee shall be responsible for enforcing this section of the code.

If the City Administrator or his or her designee determines that a violation has occurred, written notice shall be sent to the owner of the single or two family rental unit. The first notice will outline the conduct in violation and steps to prevent future conduct.

If a second violation of this code occurs within 12 months of the first violation for which a notice was sent, the City Administrator or his or her designee shall notify the owner in violation. The notification shall also request a written explanation of the behavior and a plan from the owner to prevent future misconduct. Within 30 days of receipt of the written notice from the City Administrator or his or her designee, the owner shall submit to the City Administrator a written plan of how to prevent future misconduct.

If a third violation of this code occurs within 12 months of the second violation for which a notice was sent, the rental registration may be revoked or suspended pursuant to the procedures in section 915.05 Subd. 5 of this code.

Subd. 2 Misdemeanor. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Section shall be guilty of a misdemeanor.

915.07 Fees. Fees for registration, inspection fees, re-inspection fees and violations shall be established by the City’s fee schedule which will be reviewed annually by the City Council.

Section 920 - Moving Structures and Occupancy

920.01 Moving Structures. No structure that does not meet the existing building code of the City or the existing zoning ordinance requirements of the City may be moved into the City limits of the City.

920.02 Certificate of Occupancy.

Subd. 1 Requirement. A certificate of occupancy shall be obtained before any building hereafter erected or structurally altered shall be occupied or before the use of any such building is altered.

Subd. 2 Application. Application for a Certificate of Occupancy for a new building or for existing buildings for which the use or the structure will be altered shall be made to the City Administrator as part of the application for a building permit as required in this Code.

Subd. 3 Proof of Compliance. Every Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and this Chapter.

920.03 Penalty. Violation of any provision of this Section shall constitute a petty misdemeanor.

Section 930 - Street Numbering

930.01 Numbering Required.

Subd. 1 Required Numbering. Each separate residential, commercial or industrial building in the City shall have a street number displayed thereon in a manner so as to be visible from the street serving the building. If such separate residential, commercial or industrial building is so constructed that the numbering is not readily visible from the street, then the street numbering shall also appear at the street entrance to the building. All numbers shall be at least four inches. (4") high and shall be of contrasting color to the background.

Subd. 2 Numbering System. The number system for street numbers for residential, commercial or industrial buildings shall be the responsibility of the City Administrator who shall supply the appropriate assigned number to the owner or occupant of any building.

Subd. 3 Exception. This Section shall not apply to accessory buildings as defined in the zoning ordinance of the City.

930.02 Enforcement. It shall be the responsibility of the City Police Chief to enforce the provisions of this Chapter. The Police Chief shall have authority to order in writing the owner or occupant to comply with the numbering requirements of this Section within sixty (60) days. The Police Chief shall have authority to extend the item for compliance for an additional fourteen (14) days if it appears that such extension is appropriate.

930.03 Violation. Failure to comply with a written order by the Police Chief shall be a violation of this Chapter and upon conviction thereof the violator shall be punished by a fine of not to exceed one hundred dollars (\$100.00). In addition to the payment of the penalty the Police Chief shall be authorized to apply the appropriate Court for an order directing compliance with the provisions of this Section with the costs of the action to be assessed against the violator.