

ORDINANCE 21-067

Introduced by Councilor Baker

**AN ORDINANCE OF THE CITY OF ALBERT LEA, MINNESOTA AMENDING CHAPTER 26  
HOUSING ARTICLES I AND II, III, and IV**

**THE CITY COUNCIL OF THE CITY OF ALBERT LEA ORDAINS:**

- 1) That **ARTICLE 1. – IN GENERAL** of the Code of Ordinances, City of Albert Lea, Minnesota is hereby amending:

**Sec. 26.001. Opting out of temporary family health care dwellings requirements.**

- (a) Minn. Stats. § 462.3593 requires municipalities to permit temporary healthcare dwellings unless the municipality passes an ordinance to opt out of these requirements.
- (b) The city may choose to allow these in the future based on careful consideration of needs specific to the city.
- (c) Pursuant to authority granted by Minn. Stats. § 462.3593, subd. 9, the city opts out of the requirements of Minn. Stats. § 462.3593, which defines and regulates temporary family healthcare dwellings.

- 2) That **ARTICLE II – RENTAL HOUSING** of the Code of Ordinances, City of Albert Lea, Minnesota is hereby amending:

**Sec. 26.023. Definitions.**

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

*Dwelling unit* means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation and meeting the definition of Rental Housing.

*Mail service by mail* means by depositing the item with the United States Postal Service addressed to the intended recipient at his last known address with first class postage prepaid thereon.

*Rental housing* means any building structure or enclosure, including any dwelling, dwelling unit, mobile home, apartment, long-term hotel, rooming house, Airbnb, vacation rentals, boutique hotels, bed and breakfasts, single room occupancy, or other in-home based rental living occupancies wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants, rented or offered for rent by any person to any other person or persons for residential purposes by such other person or persons. The term "rental housing" does not include rest homes, convalescent homes, nursing homes, hotels, motels, dormitories or facilities currently licensed by the state.

**Sec. 26.026. - Inspection required.**

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

**Sec. 26.037. - Conduct by tenants on licensed premises.**

- (a) The license holder shall use their best efforts to cause tenants or occupants to conduct themselves in such a manner as to not cause the premises to be a nuisance as provided for in chapter 28, city codes or state statutes.
- (b) Upon determination by an enforcement officer that the licensed premises were used by a tenant or occupant in violation of the chapter 28, city codes or state statutes, the enforcement officer shall notify the license holder and tenant or occupant by regular mail of such violation and direct them to take steps to prevent further violations.

**Sec. 26.038. Enforcement of housing and other code violations.**

- (b) Owners, license holders and/or occupants of rental housing or dwelling units that are found to be in violation of this article shall be issued a notice and order. The notice and order shall contain statements advising that if the property is not brought into compliance by the completion date of the notice and order that the city manager or designee may take appropriate legal action that:
  - (1) May impose administrative penalties/fees as established by council resolution;
  - (2) May charge the owner, license holder, agent, and/or occupants with a criminal violation;
  - (3) May suspend or terminate city utility services to the property; and
  - (4) May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

**Sec. 26.042. Violations.**

Every person who violates this article when performing an act thereby prohibited or declared unlawful or who fails to act when such failure is thereby prohibited or declared unlawful, upon conviction, shall be punished as for a misdemeanor in accordance with section 1.013.

**3) THAT ARTICLE III – HOUSING CODE – DIVISION 1. - GENERALLY**

### **Sec. 26.073. Definitions.**

- a) Whenever the terms "dwelling," "dwelling unit," "rooming," "rooming unit," and "premises" are used in this article, they shall be construed as though they were followed by the phrase "or any part thereof."
- b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating and meeting the definition of Rental Housing.

### **Sec. 26.078. Appeals; variances.**

- a) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the board of appeals. This hearing and appeals therefrom and actions thereon shall be held and conducted according to provisions governing the board of appeals. Any order of the housing inspector shall be stayed pending disposition of the appeal.
- b) Upon application, the board of appeals shall hear appeals from and review any order of requirements or determination made by the housing inspector and shall determine whether there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article. The board may recommend that the council vary or modify any of the provisions relating to minimum housing standards, in a given instance on a temporary basis, so that substantial justice may be done and the intent of this article carried out. No variance shall be granted for a period to exceed two (2) years.

### **Sec. 26.079. - Designation of unfit dwellings and condemnation procedures.**

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

- (1) Is so damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested or so located that it creates a serious hazard to the health or safety of the occupants.
- (2) Lacks illumination, ventilation, is structurally unstable, constitutes a fire hazard, lacks exit and sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (3) Or otherwise is in violation of Chapter 10 "Buildings and Building Regulations" of the Albert Lea City Code.

(4) Or otherwise is in violation of Chapter 20 "Fire Code" of the Albert Lea City Code.

(b) *Notice of condemnation.* Notice of an unfit building, dwelling or dwelling unit shall be given as provided in [section 26.077](#).

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

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

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

(f) *Demolition.* Any dwelling declared as unfit for human habitation and which is not restored within a period of six (6) months shall be considered a nuisance and unsafe building and shall be removed as provided by this article or chapter 10.

#### **4) THAT ARTICLE III – HOUSING CODE – DIVISION 2. – MINIMUM STANDARDS**

##### **Sec. 26.102. Responsibilities of owners and occupants**

- (a) Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. The owner shall keep the premises in reasonable repair.
- (b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which they occupy and control.
- (f) The owner of a dwelling containing one (1) or more dwelling unit(s) shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. The occupant is responsible for extermination of any insects, rodents or other pests within occupants' belongings and rendering the dwelling unit ready for extermination by the owner.

**Sec. 26.104. Light, ventilation and heating.**

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

- (5) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least sixty eight (68) degrees Fahrenheit at a distance three (3) feet above floor level when the outside temperature is twenty (20) degrees Fahrenheit below zero (0).

**Sec. 26.105. Maintenance of parts of dwellings and dwelling units.**

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

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

**Sec. 26.106. Space, use and location requirements.**

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

- (5) No cellar space shall be used as a habitable room or dwelling unit. In single-family residences, a bedroom will be allowed in the cellar when it meets the following requirements:
  - e. Smoke detectors are required to be installed in all dwelling units. If the unit is for rental purposes, the smoke detectors shall be installed on each level of the home, in each bedroom, and outside of each bedroom with (10) ten feet of each bedroom door. A detector may meet multiple requirements. Carbon Monoxide (CO) detectors are required on each level of living occupancy. The carbon monoxide detector may be part of the smoke detector and meet the requirement.

**5) THAT ARTICLE IV. SAFE AND CRIME-FREE RENTAL HOUSING PROGRAM (Sections 26.129 through 26.1310 ARE ELIMINATED**

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor Brooks, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Rasmussen, Jr.

And, the following voted against the same: None

Introduced the first time on this 25<sup>th</sup> day of October, 2021

Introduced the second time on this 8<sup>th</sup> day of November, 2021

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Mayor Vern Rasmussen, Jr.

Filed and attested this 9<sup>th</sup> day of November, 2021

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Secretary of the Council