

Section 425 – Rental Housing Code

CITY OF BRAINERD
RENTAL HOUSING CODE

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ARTICLE I. GENERALLY

425.1000 Title: These regulations shall be known as the Rental Housing Code for the City of Brainerd.

425.1001 Scope: The provisions of this Code shall apply to all rental housing structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties, including issues of disorderly conduct on premises.

425.1002 Findings: The Council finds that there is a need to adequately protect safety, health, and welfare of the tenants by establishing and enforcing minimum licensing standards for rental housing and establishing procedures for resolving issues of reoccurring disorderly conduct at rental properties.

425.1003 Intent: It is not the intention of the City to intrude upon the fair and contractual relationship between landlord and tenant. The City will not intervene as an advocate of either party, or act as an arbiter, nor be receptive to complaints from tenant or landlord, which are not specifically and clearly relevant to the provisions of this Ordinance.

425.1004 Definitions. The following words and phrases when used in the Rental Housing Code shall have the meanings respectively ascribed to them in this section:

Appropriate Action: The action which a reasonable license holder would take based upon the facts and circumstances of each case as to prevent a reoccurrence of a disorderly use.

Attic story: Any story situated wholly or partly in the roof, so designed, arranged, or built as to be used for business, storage, or habitation.

Cleanliness: The condition of being free from readily noticeable dirt, soil, stain, left- over food particles, or other material not intended to be a part of the object in question.

Communal: Used or shared by or intended to be used or shared by the occupants of two or more rooming units.

Dwelling: Any building or structure, or portion thereof, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants. There are two principal types:

- (1) Single Unit: A freestanding (detached) residence structure designed for or occupied by one family only.
- (2) Multiple Unit: Two (2) or more dwelling units in one structure.

Dwelling Unit: A residential building or portion thereof intended for occupancy by a single-family but not including hotels, motels, boarding or rooming houses.

Efficiency Unit: A dwelling unit with one (1) primary room which doubles as a living room, kitchen, and bedroom.

Emergency: Any condition or combination of conditions which in the opinion of the County Health Authority, Housing Inspector, or the Fire Chief requires immediate action for the protection of health, safety, or welfare of the occupants of a dwelling or of the public.

Fire escape: An emergency means of egress. A fire escape shall not constitute a required stairway.

Fire chief: The legally authorized Fire Chief or authorized representative.

Hazardous heating installations: All heating installations except those which conform with the applicable laws regulating the installation of such space heating in effect now or at the time of installation and which have been maintained in good repair and working condition and are being used in a safe manner.

Hazardous plumbing: All plumbing except that which conforms with the applicable laws regulating the installation of such plumbing in effect now or at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

Hazardous wiring: All wiring except that which conforms with the applicable laws regulating the installation of such wiring in effect now or at the time of the installation, and which has been maintained in good condition and is being used in a safe manner.

Housing inspector: The legally authorized Housing Inspector of the City or authorized representative.

IPMC: Stands for the most current version of "International Property Maintenance Code" as adopted by the City of Brainerd.

Kitchen: A habitable room used or intended to be used for cooking or the preparation of meals.

License Actions:

- (a) Issue – Rental license granted by the City of Brainerd.
- (b) Revoke – Take back, withdraw, annul, or cancel the license.
- (c) Deny – Withhold or refuse to grant a license

Non-dwelling structure: Any structure, except a dwelling, used or intended to be used for the shelter or enclosure of any animal or property of any kind.

Notice: Notification or warning of something, especially to allow preparations to be made.

Plumbing system: The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; the building drain and building sewer; the storm water drainage, with their devices and appurtenances; and connections within the building and outside the building within the property line.

Roomer: An occupant of a rooming house who is not a member of the family of the operator or a member of the family occupying the dwelling unit.

Shared bath dwelling: A dwelling unit which does not contain a water closet and a hand lavatory and a bathtub or shower for the exclusive use of the occupants of the unit.

Any other definitions may be found in the current version of the International Property Maintenance Code adopted by the City of Brainerd

ARTICLE II. PROPERTY MAINTENANCE CODE

425.2000 All properties governed under this ordinance shall be subject to the property maintenance regulations set forth in Section 450 of the City Code.

ARTICLE III. RENTAL DWELLING LICENSES

425.3000 Definitions. Words used in this Article shall have the meanings ascribed in Section 425.1004 and/or Section 450 of the City Code, unless otherwise defined herein.

425.3001 License Required. No person shall allow to be occupied, or let to another for occupancy, any dwelling unit unless the owner has first obtained a license under the terms of this article. Unlicensed rental dwellings or dwelling unit(s) will be fined per City Council Resolution.

425.3002 Applicability and Exceptions.

- (a) The provisions of this Article shall apply to all rental dwellings and dwelling units, including rented single-family dwellings, and rented dwelling units in owner-occupied dwellings, as well as rented condominiums, rented townhouses and leasehold cooperative dwelling units, as those terms are defined in Minnesota Statute Section 273.124, Subd.6, Minnesota Statute Chapter 515B, Minnesota law and this Code.
- (b) The provisions of this Article shall not apply to jails, motels, hotels, licensed nursing homes, licensed board and care homes, rehabilitation centers, parsonages, parish houses, manses and rectories, hospitals, and owner-occupied dwelling units in a cooperative, condominium or townhouse building.
- (c) Any "Lease to Own" or "Rent to Own" type arrangement is still a rental and must be registered as such until such time as the rental dwelling purchase transaction is recorded.

- (d) Any "Contract for Deed" not properly recorded with the County as required by Minnesota State Statute 507.235. shall be considered a rental and subject to Section 425.
- (e) Accessory Dwelling Units permitted by the Zoning Administrator shall only be licensed as rental dwellings if the primary structure is owner-occupied and the accessory dwelling unit complies with all other conditions of this ordinance and those set forth in Sections 400 and 515 of the City Code.

425.3003 What the License Covers

- (a) One (1) license shall be issued for each rental dwelling but covers all units within the premises.
- (b) The City shall have authority to exercise its licensing powers under this article, including the power to issue, deny, and revoke licenses, with respect to an entire premises or unit(s) within the premises.

425.3004 Application for License. The owner or designated agent of each rental dwelling shall provide an initial written application to the Housing Inspector for the license to carry on the business of renting residential property. Such written application shall be made on a form furnished by the City of Brainerd for such purpose and shall set forth the following information:

- (a) Name, mailing address, business or residence address, telephone number, email of the owner. If the owner is a partnership, the name of the partnership, the name and residence address of the managing partner. If the owner is a corporation, the name and address of the corporation and the name of the chief operating officer. In cases where the owner of a premises resides outside the fifty (50) miles radius of the City of Brainerd, the owner's agent/contact person shall reside within fifty (50) miles of the City of Brainerd.
- (b) If the owner has appointed an agent/contact person authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number and email of such agent/contact person.
- (c) Street address of the rental dwelling.
- (d) In the event, any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) calendar days, notify in writing the Housing Inspector, or an authorized representative of the Housing Inspector, of the change.

425.3005 Issuance of License. When, upon completion of an inspection of a rental dwelling and/or dwelling unit(s), the Housing Inspector finds that the minimum standards for licensing set forth in this article and the IPMC have been met, a rental dwelling license will be issued.

425.3006 Licensing Standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for denial or revocation:

- (a) Rental dwelling shall not exceed number of units per the zoning code in existence at the time of issuance of the initial license, provided that there is no lapse in licensure.
- (b) There shall be no delinquent property taxes or assessments owed on the rental dwelling.
- (c) There are no failing violations of the Brainerd Rental Housing Code or Zoning ordinances pertaining to the failing properties in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance. Designated City Official has the ability to grant an extension of time.
- (d) An inspection must be completed and approved for newly added rental dwelling(s) or dwelling unit(s) before an initial license is issued.
- (e) A rental dwelling or dwelling unit must receive a passing score following inspection by the Housing Inspector.
 - (1) The Housing Inspector will use the designated Rental Property Checklist for the purpose of determining the existence of violations. The table of maximum violation points will be established by the Building Official and made available on the city's website and/or City Hall.
 - (2) The Housing Inspector shall assign points according to the severity of each code violation on a scale from one (1) up to the maximum points possible for such violation. Except when otherwise provided by state law, conditions in the design or structure of a building, such as, but not limited to, the size and dimensions of rooms and windows and the electrical and plumbing systems, that were legal under existing codes when built shall not be violations as long as they are maintained in good repair. A violation shall receive maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health or safety of the occupants. Each code violation shall have a maximum number of points to be assigned based on the relative life-safety hazard created by the code violation.
 - (3) A dwelling or dwelling unit scoring twenty-five (25) or more points shall result in a failure and a re-inspection within thirty (30) calendar days or less. Failure to bring a dwelling or dwelling unit into compliance shall result in action to deny or revoke the dwelling or dwelling unit's license per Section 425.3012.
 - (4) Any Code violation scoring ten (10) or more points is considered a major violation. Items of major violation shall be resolved in five (5) calendar days. Major violations shall be in the sole determination of the Housing Inspector and generally pose a hazard to life or safety of the occupants. Failure to correct violations shall result in action to deny or revoke the dwelling or dwelling unit's license per Section 425.3012
 - (5) Any Code violation scoring fewer than ten (10) points is considered a minor violation. Items of minor violation shall be resolved prior to the

rental license for a dwelling or dwelling unit(s) being renewed. Minor violations shall be in the sole determination of the Housing Inspector. Failure to correct violations may result in action to deny the renewal of the dwelling or dwelling unit's license per Section 425.3012. It is the responsibility of the owner/designated agent to request reinspection of all outstanding violations prior to applying for license renewal.

- (6) The Housing Inspector shall cause to be prepared and shall keep on file for public inspection an accurate, complete detailed description of each violation used in the point calculation procedure set forth herein.
- (f) Any person(s) who within previous two (2) years had financial ownership in two (2) or more licenses denied, excluding initial applications, or revoked pursuant to this article or to section 425.3012 or a combination of denials or revocations shall be ineligible to hold or have an interest in a rental dwelling license for a period of five (5) years.
- (g) No new rental dwelling license shall be renewed for a property during the pendency of adverse action initiated pursuant to section 425.3012.

425.3007 Expiration; Renewal. All licenses issued under this Article shall expire on May 31st of each year, subject to renewal year to year in the manner provided in this Article. All licensees shall apply for renewal of their licenses on a form provided by the City of Brainerd. An individual who is operating a rental unit after the license has expired is operating an unlicensed rental dwelling. A dwelling or dwelling unit(s) with outstanding code violations shall not be renewed until such violations are corrected and inspected by Housing Inspector. Minor violations as described in Section 425.3006(e) that receive a correction notice per Section 425.3011 between May 1 and May 31 shall be corrected before a license is renewed the following year.

425.3008 License Transferable. A license issued hereunder is transferable. A new application shall be required for each change of ownership of a rental dwelling. No inspection is required upon transfer if last inspection was within the past 12 months unless there are any outstanding violations.

425.3009 License Fees.

- (a) An annual license fee shall be assessed on all rental dwelling units. The license fee shall be included with the initial application or renewal statement. Such fee shall be set by resolution of the City Council. There shall be no fee for a change in ownership. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units.
- (b) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee, in accordance with City Council resolution. This fee shall be in addition to any other appropriate enforcement actions or fees due.
- (c) Renewal date is June 1st each year. Housing Inspector may placard rental premises if no action is taken by June 30th.

425.3010 Reinspection Fee.

- (a) There shall be no fee charged for an initial inspection and for the re-inspection. If a third inspection is needed for compliance an additional fee will be charged according to City Council resolution.
- (b) The reinspection fee prescribed above shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be paid within thirty (30) calendar days after initial billing. Failure to pay such fees shall be grounds for additional administrative citations.
- (c) The Housing Inspector may waive a reinspection fee in case of error, mistake, injustice, or other good cause.

425.3011 Noncompliance Dwelling or Dwelling unit Notice.

- (a) If a dwelling or dwelling unit(s) fails to meet the licensing standards set forth in Section 425.36 and if the Designated City Official determines either are in “noncompliance” the following actions will take place:
 - (1) A correction notice shall be in writing, sent first class mail or an emailed form to the owner/designated agent on the license.
 - (2) Notice shall state reasons for noncompliance.
 - (3) Notice shall indicate the time period that the licensee will have to correct items of noncompliance
 - a. Thirty (30) calendar days is the standard time period for corrections
 - b. Any items affecting health, life or safety shall have five (5) calendar days for correction
 - (4) Designated City Official may grant the licensee an extension of time with due notice
 - (5) In the case of imminent danger of a person’s health and/or safety, a dwelling unit(s) may be placarded to be unfit for habitation.
 - (6) In severe cases of imminent danger proceedings may begin to revoke or deny the license per Section 425.3012
- (b) When a licensee has failed to comply with the correction notice and a citation has been issued, the tenant shall be notified:
 - (1) Notice shall be mailed to the tenant
 - (2) Notice shall indicate what action is required
 - (3) Notice shall state time period for items to be corrected
 - (4) Notice shall state if noncompliance items are not corrected, it shall be recommended to City Council to deny or revoke the current license
 - (5) If license is denied or revoked a placard will be placed on dwelling and/or dwelling unit(s) to vacate the unit(s).

425.3012 Denial; Revocation. If after any period for compliance under Section 425.3011 has expired, the Designated City Official determines that the dwelling and/or dwelling unit(s) fails to comply with any of the licensing standards in Sections 425.3006, or the Police Department has initiated an action to deny or revoke a license pursuant to section 425.8000, the Designated City Official shall send by certified mail, the owner a notice of denial or revocation of

the license. The notice shall state:

- (a) That the Designated City Official has determined that the dwelling and/or dwelling unit(s) fails to comply with the licensing standards for rental dwellings in Section 425.3006, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under Section 425.8000, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 425.8000(d).
- (b) The specific reasons why the dwelling and/or dwelling unit(s) fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
- (c) That the Designated City Official has referred the matter to the City Council with a recommendation to deny or revoke the license.
- (d) That the City Council may per sub section (a) above deny or revoke the license unless the owner appeals the determination within fifteen (15) business days after the date of the notice, in the manner provided in Section 425.3014.
- (e) The Designated City Official shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit(s) and prominently posted on the building. The notice shall indicate that the rental dwelling license for the unit(s) has been denied or revoked. The action will become final on a specific date by which time the tenant needs to vacate the dwelling unless the owner/designated agent appeals and request a hearing.
- (f) That after denial or revocation the dwelling or the affected dwelling units therein must be vacated in seven (7) calendar days and shall not be reoccupied until all violations are corrected and a license is granted by the City Council.

425.3013 Reinstatement Fee. A fee set by City Council resolution must accompany any application for reinstatement of any license that has been denied or revoked under Section 425. This reinstatement fee is in addition to the license fees imposed pursuant to Section 425.3009.

425.3014 Rental Dwelling License Board of Appeals.

- (a) The Safety and Public Works Committee shall serve as the Rental Dwelling License Board of Appeals and is advisory to the City Council. They shall have the authority to hear and recommend action on all appeals from the Designated City Official to deny or revoke a rental dwelling license.
- (b) The Board shall render its recommendation in writing within twenty (20) days after the close of the hearing. The recommendation shall determine whether the dwelling or dwelling units therein, meets the standards of Section 425 and shall specify the basis of determination.
- (c) The Board shall mail a copy of its recommendation to the owner/designated agent and to each affected licensed dwelling unit(s).
- (d) The Board shall refer its decision to the City Council, which shall have final authority to deny or revoke the license. The City Council may hear argument

from the owner/designated agent but shall take no further evidence. The City Council may affirm, modify, or reverse the decision of the Board.

- (e) The final decision of the City Council shall be mailed to the owner/designated agent.
- (f) A notice to tenants of the final decision shall be mailed to and prominently posted on the dwelling and or affected dwelling units(s). A notice of denial of an appeal shall indicate the date upon which tenants must vacate the dwelling and, for other than single family dwellings, shall clearly indicate which dwelling unit(s) are affected.

425.3015 Vacation of Affected Rental Dwelling. When an application for rental dwelling license has been denied, or a rental dwelling license has been revoked, or when the owner has not obtained a current rental dwelling license upon proper application as required by this Chapter, the Designated City Official shall order the dwelling or the affected dwelling units therein vacated, giving tenants seven (7) calendar days to arrange new housing and to move their possessions, except when extension of time has been granted by the Designated City Official.

425.3016 Unauthorized Removal of Notices is a Petty Misdemeanor. Any person who removes, defaces, tampers or in any way interferes with any notices posted pursuant to this article is guilty of a petty misdemeanor.

425.3017 Remedies in This Article Not Exclusive. The remedies provided in this Article are not exclusive. They are in addition to, and do not supersede or preempt, other remedies such as condemnation, written violation orders and warnings, criminal charges for violation of substantive provisions of any City or State Code relating to Housing Maintenance, Fire Safety, Building Codes, Zoning, Health, and the like. Further, the remedies in this Article do not supersede or affect the legal rights and remedies of tenants provided under state law or this Code.

425.3018 Duties of Licensee. Every holder of a rental dwelling license shall:

- (a) Submit current application information as required by Section 425.3004 and 425.3008.
- (b) Post the license certificate when received from the Designated City Official. (MN STATUTE 471.9995). In multi-unit dwellings, it may be posted in a common area. In all other dwellings the license must be readily available upon request by the Designated City Official.
- (c) Maintain a current register of all tenants occupying a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation, within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for review by the Designated City Official or by warrant during normal business hours or upon any emergency situations.
- (d) Permit the Designated City Official, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with the Rental Housing Code,

IPMC and the Fire, Health, Zoning and Building Codes of the City. Such inspections shall be made at such frequencies as the Designated City Official deems appropriate and necessary. When practical, shall provide reasonable advance notice to the owner/designated agent.

- (e) The owner of any dwelling which is required to be licensed by Section 425 shall, prior to the time of sale of said dwelling, notify the buyer in writing of all current/pending violations issued by the Designated City Official pertaining to said dwelling and the requirement by law to be licensed with the City of Brainerd if remaining a rentable property. A copy of the notification shall be mailed to the Designated City Official within fourteen (14) business days of furnishing the notification to the buyer. If the dwelling is owned by a corporation, an officer of said corporation shall carry out the notification required by this Section. If the property is owned by more than one person, a notification by one of the owners shall satisfy this section. For the purposes of this Section, "time of sale" shall be construed to mean, when a written purchase agreement is executed by the buyer or in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

425.3019 Notices. Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under Section 425, notice shall be deemed sufficient if sent by first class mail and/or email to the owner/ designated agent at the address specified in the last license application filed with the City of Brainerd under Section 425.3004. If a notice sent to the address specified in the last license application is returned, and the owner or designated agent cannot be found, then notice shall be sent to the person authorized in the last license application, under subsection 425.3004(c), as responsible for the maintenance and management of the premises and a notice shall also be posted on the dwelling and/or dwelling unit(s). Whenever notice is required to be sent or delivered to tenants of a dwelling unit under this article, notice shall be sufficient if sent by first class mail to the occupants of each licensed dwelling unit(s) at the address specified in the license application or the register that the licensee maintains pursuant to section 425.3018(b).

ARTICLE IV. ROOMING HOUSES

425.4000 Compliance Required. No person shall operate a rooming house or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the requirements set forth in the Rental Housing Code.

425.4001 Communal Kitchens. Communal kitchens shall be permitted only in rooming house occupancies. Every rooming house within which the occupants of rooming units are permitted to prepare meals shall contain a communal kitchen that has adequate cooking, refrigeration, and plumbing facilities to allow the preparation of meals in a clean and healthful manner by the occupants. Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchens, without going outside the rooming house and without going through a unit of another occupant. The owner or operator of a rooming house wherein meals are served to tenants shall obtain a food and drink license as required by the Minnesota State Health Department.

425.4002 No-Cooking Signs. The operator shall post in every rooming unit a sign on which shall be written or printed in letters not less than one inch in height the following words "No Cooking Permitted in This Room" and such sign shall remain so posted at all times. No person

shall cook or prepare meals in any rooming unit, and no operator knowingly shall allow cooking or preparation of meals in any rooming unit.

425.4003 Sanitary Maintenance. The owner or operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

425.4004 Reporting of Communicable Disease. The operator of a rooming house shall report to the County Health Authority within twenty-four (24) hours the name of any person living in the rooming house who is suffering from a communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house may be afflicted with any communicable disease.

425.4005 Keeping of Register. Every person registered as a rooming house operator shall at all times keep a register within the rooming house, in which shall be written the names of all occupants renting or occupying rooming units in such rooming house. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be available for inspection by the Chief of Police, County Health Authority, Housing Inspector, or Fire Chief, or their authorized representatives.

425.4006 Entry of True Name in Register. No person shall write or cause to be written in any rooming house register any other or different name than the true name of such person or the name by which such person is generally known.

ARTICLE V. SHARED BATH DWELLING UNITS

425.5000 Compliance Required. No person shall occupy or let to another for occupancy any shared bath dwelling except in compliance with the requirements set forth in the Rental Housing Code.

425.5001 New Units Prohibited; Removal of Existing. New shared bath dwelling units shall not be installed. Existing shared bath dwelling units not of record shall be vacated and removed.

ARTICLE VI. BUILDING SECURITY

425.6000 Purpose. The purpose of this article is to require security devices in certain buildings used for dwellings and certain non-dwelling structures accessory thereto, as a safety, burglary, and theft prevention measure. Such security devices shall be installed in a professional manner and maintained operable and effective as installed.

425.6001 General. Doors, windows or hatchways for dwelling unit(s) or rooming units shall be provided with devices designed to provide security for the occupants and property within and shall comply with IPMC. Exception:

- (a) Rooming houses having six (6) or fewer rooming units and occupied by six (6) or fewer roomers may provide the required security by dead bolt locks on all

exterior doors of said rooming house. Key locking shall be as required for other occupancies in this article.

- (b) All exterior doors on garages provided for the use of the non-owner occupants of dwellings shall be equipped with such locks, bolts, security bars or other approved security devices which, when in a closed, secure position, will prevent the doors from being opened from the outside.
- (c) To be openable without key. Except as hereinafter expressly permitted in this article, dead bolt locks, as required by this Section, shall be of a type openable from the inside without the use of a key or any special knowledge or effort. A lock bolt moved by a skeleton-type key shall not be used to provide security for any rental unit.

425.6002 Window Security. Window security shall comply with IPMC and shall be provided at the prime window or door. Latching or locking device on storm sash or screen frames will not be accepted as meeting the intent of this Section.

425.6003 Responsibility for Security. The owner/designated agent in charge of buildings covered by this Article shall be responsible for compliance with the terms and provisions of this Article.

425.6004 Numbering Units. All habitable units let to another in a multiple dwelling shall be numbered or lettered in an approved and conspicuous manner on each passage door leading from such unit. All passage doors from each unit shall have the same number or letter and no two (2) units shall bear the same number or letter. Cross reference Numbering of buildings, Section 425.6008.

425.6005 Mailboxes. Every owner shall provide a suitable mail deposit box for each rental unit. Such mail deposit box shall be approved by the United States Postal Service.

425.6006 Doorbells or Buzzers. Every multiple dwelling of eleven (11) or more dwelling units or eleven (11) or more rooming units shall be equipped with an operable system of bells, buzzers or other signaling devices which operate from the exterior of a locked entryway and signal either within each dwelling unit and rooming unit or in the hallway or common area of each floor of the building.

425.6007 Secured Egress and Ingress to be Provided for Certain Multiple Dwellings. All multiple dwellings containing eleven (11) or more dwelling units or eleven (11) or more rooming units existing now or hereafter created shall provide the following security measures: all doorways leading to the exterior or to an exterior vestibule or entry must be secured by a locking device approved by the Designated City Official. The locking devices provided for required egress doorways shall be of a type that will engage and lock automatically when the door is in the closed position within the frame provided. Further, locks on such required egress doors shall be openable from the exterior by the use of a key or other approved device. A key box of a type approved by the Brainerd Fire Department shall be installed for access by Public Safety agencies of the City of Brainerd, namely, the Fire Department and Police Department. All locking common entry/egress doors on buildings with fewer than 11 units shall meet the key box requirement of this ordinance. All doors, whether required egress doors or auxiliary, shall be openable from the inside without the use of a key or any special knowledge or effort. All locking devices required by this section shall be kept in a professional state of maintenance and repair.

425.6008 Address Posting. Every dwelling shall have the proper street address number conspicuously posted in the front and in the rear or on a building accessory to such dwelling at the rear to be readily identified in case of fire or other emergency. The rear address number may be omitted if there is no public way at the rear of the building. The numbers required by this section shall be mounted on a permanently fixed surface, the numbers shall be Arabic, not Roman numerals or words, and shall be of sufficient size four (4) inches minimum height and of a contrasting color to be readily distinguishable and readable from the public way, front and rear.

425.6009 Easement Agreements.

- (a) No utility company may seek to enter a multi-unit dwelling in order to maintain, repair, replace, or remove any of its facilities without providing to the owner of the building not less than four (4) hours advance notice during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) except:
- (1) In case of emergency;
 - (2) Meter reading, monitoring, adjustments, connecting, or reconnection;
 - (3) At the request of the tenant;
 - (4) To protect the health and safety of the tenants;
 - (5) When the activity does not require the company to access the building through the security doors.

ARTICLE VII. MISCELLANEOUS

425.7000 Storm Windows and Doors that are provided by the owner shall be maintained and functional and used properly for energy saving manner.

425.7001 Basement Space May be Habitable. No basement space shall be used as a habitable room or dwelling unit unless:

- (a) The floor and walls are impervious to leakage of underground and surface runoff water.
- (b) The total window area in each room is equal to at least the minimum window area sizes as required in current the Building Code.
- (c) The total openable window area or mechanical ventilation in each room is equal to at least the minimum s required in the current Building Code.
- (d) At least one emergency escape and rescue opening is provided. Every sleeping room shall have at least one openable emergency escape and rescue opening as required in Section 702.4 of the IPMC.

425.7002 Fire Extinguishers. No person shall tamper with, meddle with, remove, empty, damage, or destroy any extinguisher except in the event of fire or authorized inspection. In dwellings of two or less dwelling units, fire extinguishers shall be provided inside each unit. Two or more dwelling units' extinguishers must be located within 75 feet of all unit(s) entrance doors. The minimum size and classification shall be Model 2A10BC. A tag with the name of the servicing company and the service date, or a tag with the date placing the extinguisher in service, shall be affixed to the extinguisher and shall remain affixed until the next servicing.

ARTICLE VIII. CONDUCT ON PREMISES

425.8000 Conduct on Licensed Premises

- (a) The Brainerd Police Department shall be responsible for the enforcement and administration of this Section.
- (b) It shall be the responsibility of the licensee of a rental premises license to take appropriate action, with the assistance of the appropriate City of Brainerd Staff, following a pattern of disorderly conduct or use by tenants and/or their guests on a licensed dwelling unit(s) premises which is determined to be disorderly (in violation of any of the following statutes or ordinances) to prevent further violations.
 - (1) Minnesota Statutes, Section 609.75 through 609.76, which prohibits gambling;
 - (2) Minnesota Statutes, Section 609.321 through 609.324, 617.80, Subdivision 4 which prohibits prostitution, sex trafficking and acts related thereto;
 - (3) Minnesota Statutes, Section 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of a controlled substances.
 - (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages; and Section 2007.05(a)(1) of the Brainerd City Code which addresses Social Host violations involving underage drinking;
 - (5) Minnesota Statutes, Section 609.72, which addresses disorderly conduct. The City of Brainerd will count violation(s) of disorderly conduct against a licensed dwelling unit under Section 425.8000.C of this ordinance when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; or when at least (2) distinct violations, separated by no more than sixty (60) days, disturbing the peace and quiet of at least one (1) unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation, and the violations are reported by distinct and separate complaints;
 - (6) Minnesota Statutes, Section 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 520.01 of Brainerd City Code which prohibits unlawful use or possession of a firearm;
 - (7) Section 2014 of the Brainerd City Code, which address noise related issues;
 - (8) Minnesota Statute 504B.171, Eviction for Illegal Activities.

- (c) The Brainerd Police Department shall make the determination that a violation of disorderly conduct or use as described in Subsection (b) has occurred on the licensed premises based upon substantial evidence to support such a determination utilizing established procedures. It shall not be necessary that criminal charges be brought to support a determination of a violation of
- (d) disorderly conduct or use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section. The Brainerd Police Department shall notify the licensee and tenant by certified mail, and/or email of the violation and direct the licensee to take appropriate action with the assistance of the Brainerd Police Department to prevent further violations.
- (e) Management Plan Required: The Owner or Operator of a licensed dwelling unit(s) must submit a written management plan in a format prescribed by the Brainerd Police Department whenever any of the following occurs:
 - (1) A violation as described in Subsection (b) and as determined in Subsection (c) is deemed to be a threat to public safety; or
 - (2) A second violation of disorderly conduct or use by tenants and/or guests of a licensed dwelling unit on the premises occurs within twelve (12) months of a violation for which a notice in Subsection (c) was given; or
 - (3) For licensed multiple dwelling unit(s) on a premises, if more than four (4) violations as described in Subsection (b) occurs within twelve (12) months of a violation for which a notice in Subsection (c) was given.
 - (4) The licensee shall submit the written management plan to the Brainerd Police Department within ten (10) days of receipt of the violation(s) of disorderly conduct or use on the premises. The written management plan shall detail all actions taken by the licensee in response to all violation of disorderly conduct or use on the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken by the licensee to prevent further violation(s) of disorderly conduct or use on the premises. Failure to submit a written management plan may result in an action to deny or revoke the license of the subject dwelling unit(s). An escalated reoccurring fee will be assessed by the city fee schedule for failure to submit a written management plan.
- (f) Recurring violations on a premises operating under a management plan as described in Subsection (d) may result in the following actions taken:
 - (1) If a third violation of disorderly conduct or use by tenants and/or guests of a licensed dwelling unit on the premises occurs within twenty-four (24) months of the first of any two (2) previous violation of disorderly conduct or use for which notices were sent to the licensee pursuant to this section, the dwelling unit license for the premises may be denied or revoked. Action shall be initiated by the Brainerd Police Department in the manner described in Section 425.3012.

- (2) For licensed multiple dwelling unit premises, if three (3) additional violations as described in Subsection (b) occur within twenty-four (24) months following a requirement to submit a management plan under Subsection (d)(3), the Housing Inspector shall require an immediate inspection of all licensed dwelling unit(s) of the premises and may impose a penalty of ten (10) points as described in Section 425.3006(e)
 - (3) to each licensed dwelling unit of the premises. Such penalty points shall not be considered a major violation under Section 425.3006(e).
- (g)** No adverse license action shall be imposed where the instance of a violation of disorderly conduct or use on the premises of a licensed dwelling unit occurred during the pendency of eviction proceedings or after proper notice is given by the licensee to a tenant to vacate the dwelling unit, where the violation of disorderly conduct or use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the Brainerd Police Department within ten (10) days of receipt of the violation notice. Further, an action to deny or revoke a rental license based upon violations of this section may be postponed or discontinued by the Brainerd Police Department at any time if it appears that the licensee has taken appropriate action to prevent further violation(s) of disorderly.

(Amended Ord. 966 – 1994, Ord. 1155 – 2002, Ord. 1175 – 2002, Ord. 1265 – 2005, Ord. 1304 – 2007, Ord. 1525 - 2022)