

## SECTION 4

### RENTAL DWELLING UNITS

#### 1404.000. STATUTORY AUTHORIZATION AND PURPOSE

- A. Statutory Authorization. This Section is enacted pursuant to Minnesota Statutes § 145A.05, subd. 1 and subd. 7; and Minnesota Statutes § 375.51; or successor statutes.
- B. Purpose. The purpose of this Section is to establish minimum standards for rental dwelling units in the City of Winsted. The general objectives include the following:
1. Protect the character and stability of residential areas;
  2. Correct and prevent housing conditions that adversely affect, or are likely to adversely affect, the life, safety, general welfare and health of the renting public, including the physical, mental and social well-being of persons occupying a rental dwelling unit;
  3. Provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of rental dwelling units;
  4. Provide minimum standards for light necessary to health and safety;
  5. Prevent the overcrowding of dwellings by providing minimum space standards per occupant for each rental dwelling unit;
  6. Provide minimum standards for the maintenance of existing rental residential buildings and to prevent slums and blight;
  7. Preserve the value of land and buildings.
  8. With respect to rental disputes, except as otherwise provided, it is not the intent of the City Council to intrude upon the fair and accepted contractual relationship between tenant and owner. The City Council does not intend to intervene as an advocate for either party, to act as an arbiter or to be receptive to complaints from tenant or owner which are not specifically and clearly relevant to the provisions of this Section. 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 City Council's intervention. By enacting this Section, the City Council does not intend to interfere or permit interference with legal rights to personal privacy.

**1404.002. GENERAL PROVISIONS**

- A. Jurisdiction. This Section shall be applicable to all rental dwelling units within the legal boundaries of the City of Winsted. Every building and its premises used in whole or in part as a rental dwelling unit, for a single family or person, and every building used in whole or in part as a rental dwelling unit having two or more persons or families living in separate units shall conform to the requirements of this Section, irrespective of when such building may have been constructed, altered or repaired. This Section establishes minimum standards for rental dwelling units and related premises.
- B. Severability. The provisions of this Section shall be severable. In the event any section, paragraph, sentence, clause, phrase or portion of this Section is declared invalid for any reason, the remainder of this Section shall not be affected thereby.
- C. Interpretation and Application. The provisions of this Section shall be considered minimum requirements and shall be liberally construed in favor of the City of Winsted and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

**1404.003 DEFINITIONS**

- A. Accessory Structure- A subordinate structure on the same lot as the principal dwelling or dwellings, and which is not used nor authorized to be used for living or sleeping by human occupants.
- B. City Council - Shall mean the City of Winsted City Council.
- C. Board of Adjustment- Shall mean the City of Winsted City Council.
- D. Building- Any structure having a roof intended for the shelter, housing or enclosure of any person, animal, goods or materials of any kind or nature.
- E. Building Inspector - Any duly authorized representative charged with the administration and enforcement of this Section.
- F. Dwelling - A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.
- G. Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- H. Efficiency Living Unit - A room having cooking facilities and used for combined living, dining and sleeping purposes.

- I. Garbage - The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- J. Habitable Space - Space in a structure for living, sleeping, eating or cooking, bathrooms, toilet rooms, furnace rooms, unfurnished basements (i.e., those without required ventilation, electric outlets and exit facilities), pantries, closets, corridors, stairways, storage spaces, workshops, hobby and recreation areas in parts of the structure below ground level or in attics and any similar areas are not considered habitable space.
- K. Heated Water - Water heated to a temperature between 120- and 130-degrees Fahrenheit measured at the faucet outlet.
- L. Kitchen - A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment and adequate space for the storage of cooking utensils.
- M. Multiple Family Dwelling - A dwelling, or portion thereof, containing four or more dwelling units.
- N. Occupant - Any person living or sleeping in a building or having possession of a space within a building.
- O. Operator - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- P. Owner - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. Any such person representing the actual owner shall be bound to comply with the provisions of this Section to the same extent as the owner.
- Q. Permissible Occupancy - The maximum number of persons permitted to reside in a dwelling unit or rooming unit.
- R. Person - An individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic and to partnerships and other unincorporated associations.
- S. Premises - A lot or parcel of land, including any structures thereon.
- T. Public Hall - A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.
- U. Rental Dwelling - A dwelling or dwelling unit let for rent or lease.

- V. Rodent Harborage - Any place where rodents can live, nest or seek shelter.
- W. Rooming Unit - Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- X. Rubbish - Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, and other combustible; materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and other similar materials.
- Y. Short-Term Rental-A process by which any rental dwelling or portion thereof, is rented to a transient for less than thirty (30) consecutive days within the boundaries of the City, and not an established hotel, motel, or similar commercial establishment.
- Z. Transient-Any person who, at their own expense or at the expense of another, exercises or is entitled to occupancy or possession of a Short-Term Rental, by reason of any rental arrangement, agreement, concession, permit, right of access, option to purchase, license, time sharing arrangement, or any other type of agreement for a period of less than thirty (30) consecutive days. Any individual who is related by blood, marriage, adoption or foster care arrangement to the property owner is not a transient.
- AA. Structure - That which is built or constructed or a portion thereof.
- BB. Tenant - A person, whether or not the legal owner of record, occupying a building, or portion thereof, as a unit.
- CC. Toilet Room - A room containing a water closet or urinal but not a bathtub or shower.

(Ord. O-22-02, 1/18/22;)

**1404.004. RESPONSIBILITIES**

- A. Permit Required. No owner or other person shall occupy or rent to another person any dwelling, dwelling unit or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the State, County and City, including the following requirements.

No owner or other person shall occupy or rent to another person any dwelling or dwelling unit unless they have first obtained a permit from the City of Winsted. A separate permit is required for each dwelling unit to be used as a rental housing unit. Permits are valid for five (5) years from their date of issuance. Permits may be revoked for failure to adhere to this Section 4

requirements for rental housing. Permits shall be good for a period of five (5) years. Permit fees shall be established annually by resolution of the City Council.

Transfer of Ownership. In the event of a transfer of ownership of rental property, the transferor of the property shall notify the city within 30 days of the change of ownership. The transferee will need to provide the city with information including name, address, and telephone number. If the rental license for the property is current and valid, the permit may be transferred for the existing term once the required information has been provided and the transfer fee (set in the city's fee schedule) has been paid.

- B. Shared or Public Areas. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises.
- C. Occupied Areas. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the unit and premises that the occupant occupies and controls.
- D. Garbage and Rubbish Storage and Disposal. Every occupant of a rental dwelling, dwelling unit or rooming unit shall store and dispose of all garbage and rubbish in a clean, sanitary and safe manner as provided by law. Every owner of a rental dwelling, dwelling unit or rooming unit shall supply facilities for the sanitary and safe storage and/or disposal of garbage and rubbish. That cost may be part of the occupant's expense as provided by agreement of the parties.
- E. Storm and Screen Doors and Windows. The owner of a rental dwelling unit shall be responsible for maintaining in good repair all screens, storm doors and storm windows when required under the provisions of this Section, except where there is written agreement otherwise between the owner and occupant and except for the intentional or neglectful action of the occupant.
- F. Pest Extermination. Every occupant of a rental dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a rental dwelling containing more than one dwelling unit shall be responsible for such extermination whenever occupant's dwelling unit is the only one infested. Whenever infestation is caused by the failure of the owner to maintain a rental dwelling in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any rental dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- G. Rodent Harborages and Food. No owner or occupant of a rental dwelling unit shall accumulate or be allowed to accumulate boxes, lumber, wood, scrap

metal or any other similar materials in such a manner that may provide a rodent harborage in or about any rental dwelling unit. Stored materials shall be stacked neatly in piles at least ten (10) feet away from any dwelling unit and one (1) foot above the ground. No owner or occupant of a rental dwelling unit shall store, place or be allowed to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

- H. Fixtures and Facilities. Every occupant of a rental dwelling unit shall keep all supplied fixtures and facilities in a safe, clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- I. Snow and Ice Removal. The owner of a multiple family dwelling shall be responsible for the removal of snow and ice from the parking lots, driveways, steps and walkways on the premises within a reasonable amount of time to provide access for fire and medical personnel.
- J. Minimum Exterior Lighting. The owner of a multiple family rental dwelling shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.
- K. Driving and Parking Areas. The owner of a multiple family rental dwelling unit shall be responsible for providing and maintaining in good condition parking areas and driveways for tenants.
- L. Yards. The owner of a multiple family rental dwelling shall be responsible for providing and maintaining premises in a safe and sanitary manner.

**1404.005.** MINIMUM STANDARDS. No person shall rent to another for occupancy any dwelling unit, for the purpose of living, sleeping, cooking or eating which does not comply with the following requirements.

- A. Kitchen Facilities. Every rental dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation and which shall be equipped with the following:
  - 1. A kitchen sink in working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sanitary sewer system.
  - 2. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and for food that does not require refrigeration; and a counter or table for food preparation. Cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the rental dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

3. A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided that such stove, refrigerator or similar device need not be installed when a rental dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.
- B. Toilet Facilities. There shall be a non-habitable room that is equipped with a flush water closet in working condition. In a rental dwelling unit, such room shall have an entrance door that affords privacy. A flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to an approved sanitary sewer system.
  - C. Lavatory Sink. Within every rental dwelling unit, there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet. If located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in working condition, shall be properly connected to an approved water supply system, shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to an approved sanitary sewer system.
  - D. Bathtub or Shower. Within every rental dwelling unit, there shall be a nonhabitable room that is equipped with a bathtub or shower in working condition. In a rental dwelling unit, such room shall have an entrance door that affords privacy. Said bathtub or shower may be in the same room as the flush water closet or in another room, shall be properly connected to an approved water supply system, shall provide proper ventilation (i.e. fan or operable window), shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sanitary sewer system.
  - E. Stairways, Porches and Balconies. Every stairway, porch or balcony shall be kept in safe condition and of sound repair, free of deterioration. No flight of stairs shall have rotting, loose or deteriorating supports. Stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection. Decks shall be able to support 40 pounds per square foot live load and 10 pounds per square foot dead load.
  - F. Access to Rental Dwelling Units. Access to or egress from each rental dwelling unit shall be provided without passing through any other dwelling unit.

- G. Door Locks. No owner shall occupy nor let to another for occupancy any dwelling unit unless all exterior doors of the rental dwelling unit are equipped with safe, functioning locking devices. Multiple family dwellings shall also be furnished with door locks as follows: Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family rental dwelling shall be equipped with an approved locking device, provided, however, that such door shall be operable from the inside without the use of a key or any special knowledge or effort.
- H. Light. No person shall rent to another for occupancy any dwelling unit for the purposes of living therein which does not comply with the following requirements:
- I. Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws, including the Minnesota State Electrical Code. All electrical equipment shall be of an approved type. Every habitable room shall contain at least two (2) supplied electric convenience outlets or one such convenience outlet and one supplied electric fixture. Every toilet room, bathroom, furnace room, laundry room and public hallway shall contain at least one supplied electric light fixture.
- J. Windows. Every habitable space shall have at least one window facing directly outdoors that can be opened easily, one of which must provide egress.
- K. Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
- L. Heating. No person shall rent to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which does not have heating facilities which are properly installed, which are not maintained in safe working condition and which are not capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms in every dwelling unit located therein. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuel do not meet the requirements of this Section and are prohibited. 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.



- M. Maximum Occupancy. Every dwelling unit shall contain at least 200 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in the determination of habitable room area over which the ceiling is less than seven (7) feet above the floor.
- N. Water Supply. Each rental dwelling unit shall be supplied with drinking water which meets all local, state and federal drinking water standards.
- O. Handrails and Guardrails. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Guards shall not be required where exempted by the adopted building code.

**1404.006. REQUIREMENTS.** No person shall rent to another for occupancy a dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Foundations, Exterior Walls and Roofs. The foundation, exterior walls and exterior roof shall be substantially water tight, protected against mold, vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of visible mold, deterioration, holes, breaks, loose or rotting timbers and any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects that admit rain. Roof drainage shall be adequate to prevent rainwater from dampness in the walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment.
- B. Windows, Doors and Screens. Every window, exterior door and hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin and rodents from entering the building.
- C. Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling

shall be adequately protected against the passage and harborage of vermin and rodents, free of visible mold growth, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of holes, large cracks, loose plaster, visible mold growth or flaking lead paint and shall be maintained in a tight weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained in a clean and sanitary condition.

- D. Rodent Proof. Every dwelling and accessory structure and the premises upon which they are located shall be maintained in a rodent-free and rodent-proof condition. All openings in exterior walls, foundations, basements, ground or first floors and roofs that have a ½ inch diameter or larger opening shall be rodent-proofed in an approved manner.
- E. Safe Building Elements. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and balcony, and every appurtenance shall be safe to use and capable of supporting normal loads.
- F. Facilities to Function. Every supplied facility, piece of equipment or utility required by this Section and every chimney and flue shall be installed and maintained and shall function effectively in a safe, sound and working condition.
- G. Discontinuance of Service of Facilities. No owner or occupant shall cause any service, facility, equipment or utility which is required under this Section to be removed from, shut off from, or discontinued for, any occupied rental dwelling unit, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.
- H. Fire and Carbon Monoxide Protection. All rental dwelling units shall have working fire/smoke alarms in all bedrooms and corridors leading to bedrooms. All rental dwelling units shall have a working fire extinguisher inside the unit. Additionally, all rental dwelling units shall be supplied with a functioning carbon monoxide detector, unless granted a waiver from the State of Minnesota.
- I. Clandestine Drug Labs. Prior to offering a rental dwelling unit for rent or for sale, the owner of a rental dwelling unit that has been found to contain a clandestine drug lab shall, at their expense, contract with appropriate environmental hazard testing and cleaning firms that are determined by the Minnesota Department of Health to be competent for conducting a detailed on-site assessment to determine sample and testing needs, clean up and mitigation operations, follow up testing and determination that the property risks are sufficiently reduced to allow protection of the public and human occupancy of the rental dwelling unit.

**1404.007. INSPECTION AUTHORITY.** The City Building Inspector shall be the Building Inspector who shall administer and enforce the provisions of this Section. The Building Inspector is authorized to cause inspections every five (5) years or on a complaint basis for rental dwelling units, or otherwise when reason exists to believe that a violation of this Section has been or is being committed. Re-inspection is also required upon a change of ownership in the property. Inspections shall be conducted during daylight hours and the Building Inspector shall present evidence of official capacity to the occupant or owner in charge of a respective dwelling unit.

- A. Inspection Access. When an owner, occupant or other person in charge of a rental dwelling unit refuses to permit free access and entry to the structure or premises under their control for inspection pursuant to this Section, the City of Winsted may seek a court order authorizing inspection.
- B. Vacation of Building. Any rental dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent-infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or the public, may be declared unfit for human habitation by the Building Inspector who shall then order the same vacated within a reasonable timeframe and shall post a placard on the rental dwelling unit indicating that it is unfit for human habitation.
- C. Reoccupation. It shall be unlawful for a rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Building Inspector. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling unit.
- D. Secure Units and Vacated Dwellings. The owner of any rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make the premises safe and secure so that it is not hazardous to the health, safety or welfare of the public and a public nuisance within the meaning of this Section.
- E. Hazardous Building Declaration. In the event that a rental dwelling unit has been declared unfit for human habitation and the owner has not remedied the defects within the prescribed time, the dwelling may be declared a public health nuisance and treated consistent with the provisions of Minnesota Statutes, Section 145A.04; or successor statutes.
- F. Malicious Complaints. The Building Inspector may charge back to the complainant the costs of investigating complaints made on any rental dwelling unit if it is determined that the complaint is invalid.

**1404.008. COMPLIANCE ORDER**

- A. Issuance. Whenever the Building Inspector determines that any rental dwelling unit, or the premises surrounding any rental dwelling, fails to meet the provisions of this Section, a Compliance Order may be issued setting forth the violations and ordering the owner, occupant, operator or agent to correct such violation. This Compliance Order shall: be in writing, describe the location and nature of the violations of this Section and establish a reasonable timeframe for the correction of such violation and notify of appeal recourse. Be served upon the owner and occupant. Such notice shall be deemed to be properly served upon such owner and occupant, if a copy of the Order is:
1. served personally; or
  2. sent by registered mail to last known address; or
  3. upon failure to place notice through (1) and (2) as set out in this Section, posted at a conspicuous place in or about the dwelling that is affected by the order.
- B. Right of Appeal. When it is alleged by any person to whom a Compliance Order is directed that such Compliance Order is based upon an erroneous interpretation of this Section, such person may appeal the Compliance Order to the City Council within thirty (30) days of the receipt of a Compliance Order.
- C. Reinspection. The Building Inspector shall re-inspect the property to determine if the owner has complied with the Compliance Order. If compliance has not been completed upon reinspection, the owner or occupant shall be assessed a reinspection fee, in an amount determined by the City Council for that reinspection and each subsequent reinspection for compliance. Failure to pay the reinspection fee shall constitute a failure to comply with this Section.
- D. Execution of Compliance Orders. Upon the failure to comply with a Compliance Order within the time set and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set, any criminal penalty notwithstanding, the City Council may cause the cited deficiency to be remedied as set forth in the Compliance Order. If the cost of cleanup is not paid, the City Council may certify to the County Auditor-Treasurer by November 30<sup>th</sup> all unpaid, outstanding costs of cleanup, including staff costs of operating machinery and materials needed to complete a cleanup and a description of the lands against which the costs arose. It shall be the duty of the County Auditor-Treasurer, upon order of the City Council, to extent the assessments with interest not to exceed the interest rate provided for in Minnesota Statutes § 279.03, subd. 1; or successor statutes, upon the tax rolls of the county for the taxes of the year in which the assessment is filed. For each year ending November 30, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the

same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota. This action shall not preclude the City Council from seeking civil or criminal penalties from persons responsible.

**1404.009. EMERGENCY ORDERS.** Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public's health, it may, without notice or hearings, issue an order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Section, such order shall be effective immediately. Any person to whom an emergency order is directed shall comply therewith immediately.

**1404.010. PENALTIES.** Any person, firm or corporation who violates any of the provisions of this Section, or who fails, neglects or refuses to comply with the provisions of this Section, including violations of conditions, safeguards Compliance Orders or Emergency Orders, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days, or both. Each day that a violation exists shall constitute a separate offense.

In the event of a violation or threatened violation of this Section, the Building Inspector may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations. It shall be the duty of the City of Winsted Attorney to commence such action.

**1404.011. EXEMPTION.** The City, in its discretion, may exempt any entity or person required to otherwise undergo inspection or licensing provisions herein as long as the City is provided with evidence of a recent similar inspection that is satisfactory to the City.

**1404.012. EFFECTIVE DATE.** This Chapter 14 shall be in full force and effect after its passage and publication as provided by law. Application for a rental housing permit must be received by the City of Winsted within 120 days of adoption of this Chapter 14.

(Ord. 08-03, 02/19/08; Ord. 12-09; 11/20/12; Ord. 14-04, 8/19/14; Ord. O-18-06, 8/21/18;)

**1404.013 STATUTORY AUTHORIZATION, PURPOSE AND FINDINGS**

A. Statutory Authorization. This Section is enacted pursuant to Minn. Stat. §145A.05, Subd. 1 and Subd. 7; and Minn. Stat. §375.51; or successor statutes.

B. Purpose. The City is committed to maintaining the quality of life and has a compelling interest in protecting the character of its neighborhoods. The

City finds that short-term rentals located in residential zoning districts constitute commercial use of residential property, conflict with the residential nature of the zoning districts, disrupt the residential nature of neighborhoods, and have a negative impact on the livability of residential neighborhoods. Therefore, in order to ensure adequate and stable housing options for residents, preserve the residential character of the City's residential zoning districts, and provide for the health, safety and welfare of its residents, the City determines that it is appropriate to limit Short-Term Rentals to hotels, motels and similar accommodations which are appropriately zoned and have the appropriate infrastructure and services for short-term use.

C. Findings.

1. Short-Term Rental of residential homes for temporary occupancy threatens the essential character and stability of residential neighborhoods because short-term tenants have little interest in the welfare of the local community, do not engage in activities that strengthen residential neighborhoods, and do not integrate into residential neighborhoods.
2. Short-Term Rental of residential homes for temporary occupancy disturbs otherwise stable residential neighborhoods by creating the potential for excessive noise, accumulation of refuse, trespassing, disorderly conduct, vandalism, frequent occupant turnover, increased traffic, and decreased parking.
3. Short-Term Rental of residential homes for temporary occupancy is often undertaken without adequate on-site management by the property owner or some other responsible person, compliance with state and local codes, and other safeguards.
4. Prohibiting Short-Term Rentals of residential homes for temporary occupancy is necessary to protect the essential character of residential neighborhoods and the health, safety, and welfare of the community.

(Ord. O-21-03, 2/16/21; Ord. O-22-02, 1/18/22;)