

**CITY OF LEXINGTON  
WORKSHOP AGENDA  
Thursday, March 20, 2025  
Immediately following Council meeting  
City Hall**

**1. Call to Order:** Mayor Murphy

**2. Roll Call:** DeVries – Benson – Mahr and Hunt

**3. Discussion Items:**

A. Discuss - Landings of Lexington Police call volume

**Councilmember Hunt**

B. Discuss – Rental Housing Fee Structure and Ordinance **Councilmember Mahr pp. 1-20**

**4. Staff Input**

**5. Council Input**

**6. Adjourn**

To: Lexington City Council.

From: Bill Petracek, City Administrator; Chris Galiov, Finance Director

Date: March 12, 2025

Re: Rental Housing Ordinance and Fee Structure

Councilmember Mahr asked City Staff to provide an analysis of our current rental housing fees for discussion at a workshop.

The City of Lexington rental housing program and the enforcement of the rental housing ordinance has been in place since around 2015 when we hired Inspectron Inc. to help us with the enforcement of these regulations. Inspectron Inc. was also hired to help us with the enforcement of the property maintenance ordinance, as well as manage our building permit and building inspections program.

Since the inception of this program our fees have remained static, but we are still covering the costs of the program with the current fee structure. However, based on surrounding communities and their fee structures, Lexington fees have some room for upward adjustments.

### **The current Rental Housing/Building Inspections program:**

#### **Inspectron Services Recap      2024**

Scott/Pete's Hours	740 (2 days a week)
Labor @ \$60.00	\$44,400.00
Plan Review	\$8,469.17 (100% of permit fees collected)
Permits Cut	\$16,131.75 (65% of permit fees collected)
	\$69,000.92

#### **Revenue Recap      2024**

Rental revenue Average	\$28,350.00 (\$6,710 bi-annual)
Plan Review	\$8,500.00 (\$8,469.17 actual for 2024)
Various Permits Average	\$28,000.00 (\$27,863 actual for 2024)
	\$64,850.00

Annually we collect about \$28,000 to \$30,000 in various building/zoning permits, and \$56,710 every two years in rental license fees, which as average about \$28,350 every year. We retain 35% of the permit fees we pay Inspectron staff average of about \$45,000 to \$48,000/ year; we also remit 65% of the permit fees and 100% of the plan review fees for commercial development.

<b>City of Lexington current fee structure and other communities and their fee structures:</b>
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## **Rental Licensing**

### **City of Lexington – License Renewed every 2 years – Lexington currently has 941 registered rental units**

- Application Fee \$100.00 (Due with each New/Renewal of License)
- Inspection Fees
- Single Family \$100.00
  - Twin Home \$150.00
  - Manufactured Home \$50.00
  - Multi Family (Duplex/Triplex/4-Plex/Apartment) \$200.00 + \$35.00 per Unit
- No Show for Inspection \$60.00  
Complaint Inspection \$60.00

### **City of Blaine - License Renewed every year**

#### **Application & Inspection Fees combined**

- Single Family \$190.00
  - Multi Family \$180.00 per Building + \$10.00 per Unit
  - Missed inspections \$60.00
- Discovery of unlicensed Rentals may result in a monthly fee

### **City of Circle Pines - License Renewed every 4 years (If violations are found during inspection renewal is in 2 years)**

- All properties are \$100.00 per unit
- Late fee for application and inspection not being done within 30 days \$50.00
- Additional \$50.00 if not done within 60 days

### **City of Fridley - License Renewed every year**

- Single Family \$200.00
- Two Rental Units \$275.00
- Three Rental Units \$325.00
- Four Rental Units \$350.00
- Five or More Rental Units \$350.00 + \$20.00 per units over 4
- Reinspection Fee after 2nd Inspection

- Single/Duplex/Triplex \$100.00
- Four or more units \$300.00
- Renewal if more than 7 days late \$150% of annual license fee
- Non-compliance fee for properties not complying with corrections orders
  - 1-30 days \$250.00
  - 31+ days \$500.00

**City of Centerville - License Renewed every year**

- All property fees \$110.00 for the 1st unit then \$25.00 per unit after within the same structure

## Current registered rental properties In Lexington and fees collected:

Owner Occup.	10	\$1,000.00	\$350.00	\$1,000.00	\$2,350.00
Single	26	\$2,600.00	\$0.00	\$2,600.00	\$5,200.00
Twin	2	\$200.00	\$0.00	\$300.00	\$500.00
Combined	2	\$100.00	\$70.00	\$200.00	\$370.00
Multi	885	\$5,000.00	\$30,975.00	\$9,915.00	\$45,890.00
Mobile Home	16	\$1,600.00	\$0.00	\$800.00	\$2,400.00
	941	\$10,500.00	\$31,395.00	\$14,815.00	\$56,710.00

House Number	Address	Type	Units	App Fee	Unit Fees	Inspection Fee	Total Owed	Fee Paid
3400	Lexington Ave	Multi	180	\$100	\$6,300	\$400	\$6,800	
4000-4006	Edgewood Rd	Multi	2	\$100	\$70	\$200	\$370	\$370.00
4034-4044	Lovell Rd	Owner Occup.	1	\$100	\$35	\$100	\$235	\$235.00
4035	Lovell Rd	Single	1	\$100	\$0	\$100	\$200	\$200.00
3217	Syndicate Ave	Single	1	\$100	\$0	\$100	\$200	\$200.00
3573	Dunlap Ave	Single	1	\$100	\$0	\$100	\$200	\$200.00
3220 Apt A & B	North Highway Dr	Multi	2	\$100	\$70	\$200	\$370	\$370.00
3160-3164	Jackson Ave	Multi	2	\$100	\$70	\$200	\$370	\$370.00
3244-3246	Syndicate Ave	Owner Occup.	1	\$100	\$35	\$100	\$235	\$235.00
3460-3462	Griggs Ave	Multi	2	\$100	\$70	\$200	\$370	\$370.00
3915	Hamline Ave	Multi	12	\$100	\$420	\$200	\$720	\$720.00
3164	Lexington Ave	Owner Occup.	1	\$100	\$35	\$100	\$235	\$235.00
3140	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370	
3128	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370	\$370.00
3116	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370	\$370.00
3000-3002	Lexington Ave	Owner Occup.	1	\$100	\$35	\$100	\$235	\$235.00
3161	Dunlap Ave	Multi	11	\$100	\$385	\$200	\$685	\$685.00
3673-3675	Restwood Rd	Multi	2	\$100	\$70	\$200	\$370	
3927	Syndicate Ave	Multi	89	\$100	\$3,115	\$200	\$3,415	\$3,415.00
3600-3610	Centerwood Rd	Multi	2	\$100	\$70	\$200	\$370	\$370.00
3871	Edith Lane	Single	1	\$100	\$0	\$100	\$200	
3972	Lovell Rd	Single	1	\$100	\$0	\$100	\$200	
3952-3946	Lovell Rd	Multi	2	\$100	\$70	\$200	\$370	
3912-3914	Lovell Rd	Multi	2	\$100	\$70	\$200	\$370	
3841-3831	Lovell Rd	Owner Occup.	1	\$100	\$35	\$100	\$235	
3811-3821	Lovell Rd	Multi	2	\$100	\$70	\$200	\$370	
3320-3322	Ryan Place	Multi	2	\$100	\$70	\$200	\$370	
3310-3312	Ryan Place	Multi	2	\$100	\$70	\$200	\$370	
3241-3243	Ryan Place	Multi	2	\$100	\$70	\$200	\$370	
3941	Syndicate Ave	Multi	56	\$100	\$1,960	\$200	\$2,260	
3332	Griggs Ave	Single	1	\$100	\$0	\$100	\$200	
3350-3352	Syndicate Ave	Owner Occup.	1	\$100	\$35	\$100	\$235	
3341-3343	Syndicate Ave	Multi	2	\$100	\$70	\$200	\$370	
3937	Naples St	Single	1	\$100	\$0	\$100	\$200	
3010	North Highway Dr	Single	1	\$100	\$0	\$100	\$200	
3331-3333	Syndicate Ave	Multi	2	\$100	\$70	\$200	\$370	
3330-3340	Syndicate Ave	Multi	2	\$100	\$70	\$15	\$185	
3283-3293	Syndicate Ave	Multi	2	\$100	\$70	\$200	\$370	
3433	Hamline Ave	Single	1	\$100	\$0	\$100	\$200	
3360	Restwood Rd	Multi	39	\$100	\$1,365	\$200	\$1,665	
3220	Hamline Ave	Multi	1	\$100	\$0	\$150	\$250	



9339	Hamline Ave	Twin	1	\$100	\$0	\$150	\$250
9337	Hamline Ave	Twin	1	\$100	\$0	\$150	\$250
9333-9335	Hamline Ave	Multi	2	\$100	\$70	\$200	\$370
9317-9319	Hamline Ave	Owner Occup	1	\$100	\$35	\$100	\$235
9307-9309	Hamline Ave	Owner Occup	1	\$100	\$35	\$100	\$235
9001	Griggs Ave	Multi	233	\$100	\$8,155	\$200	\$8,455
8832	Pascal Ave	Single	1	\$100	\$0	\$100	\$200
8877	Pascal Ave	Multi	2	\$100	\$70	\$200	\$370
8854	Pascal Ave	Single	1	\$100	\$0	\$100	\$200
8844	Pascal Ave	Single	1	\$100	\$0	\$100	\$200
9263-9273	Syndicate Ave	Multi	2	\$100	\$70	\$200	\$370
9252/9254	Syndicate Ave	Multi	2	\$100	\$70	\$200	\$370
9243-9253	Syndicate Ave	Multi	2	\$100	\$70	\$200	\$370
8901	Syndicate Ave	Single	1	\$100	\$0	\$100	\$200
8861	Syndicate Ave	Single	1	\$100	\$0	\$100	\$200
8963	Syndicate Ave	Multi	16	\$100	\$560	\$200	\$860
8970	North Highway Dr	Single	1	\$100	\$0	\$100	\$200
8940-8946	North Highway Dr	Multi	2	\$100	\$70	\$200	\$370
8917 A	Hamline Ave	Combined	2	\$100	\$70	\$200	\$370
8917 B	Hamline Ave	Combined	0	\$0	\$0	\$0	\$0
3831-3833	Flowerfield Rd	Multi	2	\$100	\$70	\$200	\$370
3620	Flowerfield Rd	Single	1	\$100	\$0	\$100	\$200
3340	Restwood Rd	Multi	26	\$100	\$910	\$200	\$1,210
3815	Restwood Rd	Multi	4	\$100	\$140	\$200	\$440
3813	Restwood Rd	Multi	4	\$100	\$140	\$200	\$440
3811	Restwood Rd	Multi	4	\$100	\$140	\$200	\$440
3693-3695	Restwood Rd	Owner Occup	1	\$100	\$35	\$100	\$235
3445-3447	Restwood Rd	Multi	2	\$100	\$70	\$200	\$370
8892	Griggs Ave	Single	1	\$100	\$0	\$100	\$200
8800	Griggs Ave	Single	1	\$100	\$0	\$100	\$200
9000	Griggs Ave	Multi	131	\$100	\$4,585	\$100	\$4,785
8956	Griggs Ave	Multi	4	\$100	\$140	\$200	\$440
8820-8822	Griggs Ave	Multi	2	\$100	\$70	\$200	\$370
8807-8809	Dunlap Ave	Owner Occup	1	\$100	\$35	\$100	\$235
3905-3907	Flowerfield Rd	Multi	2	\$100	\$70	\$200	\$370
8996	Jackson Ave	Multi	4	\$100	\$140	\$200	\$440
8952	Jackson Ave	Single	1	\$100	\$0	\$100	\$200
8940	Jackson Ave	Single	1	\$100	\$0	\$100	\$200
8930	Jackson Ave	Single	1	\$100	\$0	\$100	\$200
9104	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370
9092	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370
9032	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370
9030	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370
9000 & 9002	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370
8808	Lexington Ave	Single	1	\$100	\$0	\$100	\$200
8804	Lexington Ave	Single	1	\$100	\$0	\$100	\$200
9200	Griggs Ave	Single	1	\$100	\$0	\$100	\$200
9076	Jackson Ave	Single	1	\$100	\$0	\$100	\$200
3804	Liberty Lane	Mobile Home	1	\$100	0	\$50	\$150
3809	Liberty Lane	Mobile Home	1	\$100	0	\$50	\$150
3815	Liberty Lane	Mobile Home	1	\$100	0	\$50	\$150
3823	Liberty Lane	Mobile Home	1	\$100	0	\$50	\$150
3844	Liberty Lane	Mobile Home	1	\$100	0	\$50	\$150
3807	Minuteman Lane	Mobile Home	1	\$100	0	\$50	\$150
3809	Minuteman Lane	Mobile Home	1	\$100	0	\$50	\$150
3811	Minuteman Lane	Mobile Home	1	\$100	0	\$50	\$150
3813	Minuteman Lane	Mobile Home	1	\$100	0	\$50	\$150
3815	Minuteman Lane	Mobile Home	1	\$100	0	\$50	\$150
3853	Minuteman Lane	Mobile Home	1	\$100	0	\$50	\$150
3811	Patriot Lane	Mobile Home	1	\$100	0	\$50	\$150
3821	Patriot Lane	Mobile Home	1	\$100	0	\$50	\$150
3822	Patriot Lane	Mobile Home	1	\$100	0	\$50	\$150
3826	Patriot Lane	Mobile Home	1	\$100	0	\$50	\$150
9073	South Highway Drive	Multi	4	100	140	200	\$440
9835	South Highway Drive	Single	1	100	0	100	\$200
Total Rental Units			941	Total Rental Fees			\$56,710

3216	Ryan Place	Single		\$100	\$0	\$100	\$200
3152	Lexington Ave	Multi	2	\$100	\$70	\$200	\$370
3875 #1-#2	Pascal Ave	Multi	2	\$100	\$70	\$200	\$370



- T. Discontinuance of Basic Services or Utilities in Rental Properties. An owner, operator, or occupant may not permit any service or utility needed for a furnace to provide heat to be shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.
- U. Occupancy Standards. The maximum permissible occupancy of a rental dwelling unit is determined as follows:
- 1) Minimum space. For the first two occupants, 220 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
  - 2) Maximum occupancy. The total number of occupants may not exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.

### **SECTION 15.107. RENTAL DWELLING LICENSING CODE.**

#### **Subd. 1. Inspection and Licensing of Rental Dwellings.**

- A. Rental dwellings license. No person may operate, let, or cause to be let, a rental dwelling unit without first having completed an application and obtained an operating license to do so from the City as hereinafter provided.
- 1) In order to facilitate an orderly means of beginning the inspection and licensing system set forth in this Chapter the following paragraph shall apply. The owner of a rental dwelling unit must obtain a temporary permit if they have not received an operating license. A temporary permit issued before publication of this ordinance is valid until an operating license is obtained, or two years (twenty-four months) after its issuance, whichever is earlier. A temporary permit issued after publication of this ordinance expires after 24 months (subject to the Building Official's authority to extend the deadline). In no case is a temporary permit valid for more than two years (twenty-four months). During this period the City will institute an inspection program. After an initial inspection is completed and compliance with this Chapter is achieved, each temporary permit shall convert to an operating license. Thereafter the operating license shall conform to the terms of this Chapter as if it was a renewal of an operating license, and applicable fees for renewal shall apply. After publication of this ordinance and expiration of all temporary permits, no temporary permits shall be issued.
  - 2) Each operating license shall be valid for a period of two years (twenty-four months).

- 3) A license renewal application shall be filed at least 60 days prior to license expiration date, unless the City has already renewed that license based upon a scheduled inspection conducted pursuant to section C below.

B. Permit and License Exemption.

1. The owner of a rental dwelling unit is exempted from the permitting and licensing requirements of this section if the renter of the dwelling unit is related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner files an affidavit with the City stating that the renter is one of these relations. The affidavit required in this paragraph must also state the address of the dwelling and must be renewed at least every two years (twenty-four months).
2. The owner must notify the City in writing within 30 days of this exemption being lost because the renter is not related to the owner as one of the above-referenced relations.

C. Rental Dwelling Inspections. No operating license may be issued or renewed unless the City determines, following an inspection conducted pursuant to this section, that the rental dwelling unit and its premises conform to the LPMR. As more specifically provided below, the Building Official and his/her agents may cause inspections, follow-up inspections, and reinspections on rental dwelling units on all classes of property within the City on a scheduled basis, and on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable subdivision of the LPMR exists, has been, or is being committed.

- 1) The Building Official and his/her agents are authorized to contact owners, tenants and managers of rental dwellings to schedule inspections of rental dwellings at reasonable times. They are also authorized to conduct those inspections once scheduled. These scheduled inspections will be conducted to determine whether the unit and its premises conform to the LPMR so as to inform the City's decision of whether to issue an operating license. The authority to schedule and to conduct these inspections is available even if the owner or owner's agent holds a temporary permit and without regard to whether the owner or owner's agent has filed an application for an operating license.
- 2) In addition, upon receipt of a properly executed application for an operating license, the Building Official shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the LPMR. Inspections performed pursuant to the authority in subsection A or subsection B are hereinafter described as "Licensing Inspections."



- 3) In addition, the Building Official and his/her agents are authorized to conduct inspections on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable subdivision of the LPMR exists, has been, or is being committed. A complaint or complaints from a tenant of a rental dwelling unit shall be an adequate basis for a reinspection of a rental dwelling unit.
- 4) To increase the awareness by owners of the likely timing of requested inspections and to conserve public resources, the Building Official may schedule and conduct inspections pursuant to subsection A according to the area of the City in which the unit is located, dividing the City into zones and endeavoring to perform inspections pursuant to subsection A in one zone before beginning them in a different zone.
- 5) If a structure or rental dwelling unit is not in compliance, one or more follow-up inspections or reinspections may be conducted to verify that conditions and any corrections conform to the provisions of the LPMR.
- 6) When the basis for the inspection pursuant to this section is information observed or obtained during a Licensing Inspection, such reinspection or follow-up inspection shall be conducted on a scheduled basis.
- 7) Owners of rental dwelling units shall report to the City the full names, telephone numbers and addresses of the principal tenant of all rental dwelling units under their ownership or control, and update such information as needed to ensure that it is accurate and current.
- 8) When scheduling Licensing Inspections pursuant to this section, the Building Official or his/her agents will seek the consent of the owner of the property (if not already received) to inspect those areas outside of rental dwelling units that are not accessible to the general public (including any internal rooms that are inaccessible to the public, such as storage or mechanical rooms) and to unrented dwelling units, and the consent of the primary tenant of the rental dwelling unit (if not already received) to inspect that unit. If the property owner demonstrates to the satisfaction of the Building Official or his/her agents that one or more tenants have consented in writing to the inspection of their units, individual contacts by the City with those tenants may be deemed unnecessary.
- 9) If the City is unsuccessful in securing consent for an inspection pursuant to this section, the City shall seek permission, from a judicial officer through an administrative warrant, for its Building Official or his/her agents to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant.

- 10) The scope of a Licensing Inspection shall be limited to what is necessary to determine in accordance with this subdivision whether the unit and its premises conform to the LPMR. This shall not preclude the Building Official from relying upon observations from a Licensing Inspection in seeking one or more of the remedies provided in Section 15.107.
  - 11) A Licensing Inspection must be scheduled during ordinary business hours (or as otherwise arranged with the owner or tenant). Owners and their agents, and tenants, may at their option request that Licensing Inspections above take place only when they are present, so long as the request identifies at least one date or time within the two weeks following the date of the request when the requesting party agrees to be present.
  - 12) During inspections conducted pursuant to an administrative warrant, photographs and video recordings may not be taken of areas inside the building, absent further court permission or consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit).
  - 13) Building Officials are not authorized to open containers, drawers, or medicine cabinets, unless the containers, drawers, or medicine cabinets are opened with the consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit). For purposes of this paragraph, a medicine cabinet is a covered cabinet located above a sink in a dwelling unit's bathroom.
  - 14) Building Officials are authorized to open cabinets (other than medicine cabinets) or closets only when it is reasonably necessary in order to inspect for the existence of one or more conditions that violates the LPMR, or when the cabinets or closets are opened with the consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit).
  - 15) The information regarding the condition of the unit or its occupants that Building Officials retain after recording it in any inspection logs or forms shall be limited to descriptions of conditions constituting a violation of the LPMR. Building Officials may record a list of conditions that the landlord or tenant is encouraged to repair or change but which do not constitute a violation of the LPMR, if that list is not retained by the Building Official or City but is instead simply given to the landlord or tenant.
- D. Inspection Not Required. Inspection for the issuance or renewal of a license may be waived by the City if the owner of a dwelling unit proves that within the previous 12 months the dwelling unit passed an inspection required by the City, State, or Federal regulations that is at least as stringent as the inspection required under this section. The City has sole discretion to determine when an

inspection program is at least as stringent as the inspection required under this section. Inspections conducted as the result of a complaint made to the City may not be waived under this provision.

- E. **Application Contents.** Owners of one or more rental dwelling units who have not yet received a temporary permit or operating license are responsible for applying with the City for either a temporary permit or an operating license. Before any portion of a property is used as a rental dwelling unit, the owner must first secure either a temporary permit or an operating license. With either application, the owner must supply:
- 1) Name, physical address, mailing address, email address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
  - 2) Name, physical address, mailing address, email address, and telephone number of designated resident agent, if any;
  - 3) Name, physical address, mailing address, email address, and telephone number of vendor, if the dwelling is being sold through a contract for deed;
  - 4) Legal address and property identification number of the dwelling;
  - 5) Number of dwelling units within the dwelling;
  - 6) At least one emergency telephone number;
  - 7) The names, telephone numbers and addresses of principal tenants, if any, are required in Section 7 above.
- F. **Following Acquisition.** A new owner must register a newly acquired rental residential property within ten (10) days after acquiring it, by applying for either a temporary license or an operating license. The Building Official must be notified of any address change within ten days.
- G. **Administrative Charge.** Failure to obtain either a temporary permit as required by this section, or an operating license, will subject the owner of a dwelling unit to an administrative service charge up to double the cost of the permit.
- H. **License and Inspection Fees.** The license and inspection fees are charged at the time of the application of the respective license and are due within thirty (30) days of the date of the invoice; in the cases of newly constructed residential unlicensed rental dwelling units, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two (2) years, license fees will be pro-rated monthly. A license fee paid later than ten (10) working days after the prescribed date is subject to an additional



administrative service charge double the amount of the license. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension, or transfer of ownership. License and inspection fees shall be as established by the City Council.

- I. Resident Agent Required. An operating license may not be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Anoka, Chisago, Hennepin, Isanti, Ramsey, Sherburne, Washington) unless such owner designates in writing to the Building Official the name, address, and telephone number of his resident agent (one who does reside in any of the following Minnesota counties: Anoka, Hennepin, Isanti, Ramsey, Sherburne, Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Code and to receive orders or process pursuant to law. The Building Official must be notified in writing of any change of resident agent or agent address or telephone number change within ten (10) days. This requirement may be waived if, in the Building Official's determination, the owner not living in one of the above specified counties is nonetheless sufficiently accessible for the purposes of the LPMR.
- J. Participation in Crime-Free Multi-Housing Program. All owners of rental dwelling units must participate in the Crime-Free Multi-Housing Program. Participation is a condition precedent to the renewal of an operating license. For the purposes of this section, "participation" means documented attendance at a City-approved educational program that addresses crime prevention and housing issues, and inclusion of a City-approved, Crime Free Rental Housing lease addendum in each rental agreement.
- K. Posting of Permit or License. The current temporary permit or operating license of a multiple dwelling unit, or a legible copy thereof, must be conspicuously posted in the main entry way or a conspicuous exterior location of the respective multiple dwelling unit. In the case of one-family and two-family dwelling units, a legible copy of the current temporary permit or operating license must be given to the renter of each unit.
- L. License Not Transferable. A temporary permit or operating license is not transferable to another person or to another rental dwelling. Every person holding a temporary permit or operating license must give notice in writing to the building official within 72 hours after having legally transferred or otherwise disposed of the legal control of any permitted or licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. The person succeeding to the ownership or control of the rental dwelling or dwellings must obtain a temporary permit or operating license in order to continue operating the rental dwelling or dwellings. An inspection is not required to obtain this temporary permit or operating license unless the rental dwelling or dwellings have not been

inspected within two years (twenty-four months) of the transfer of ownership or control.

- M. Violation. Any person that maintains a rental dwelling unit without having either a valid temporary permit or a valid operating license, or permits new occupancy in violation of this subdivision, is guilty of a misdemeanor. In addition to criminal sanctions, the City may impose an administrative fee in an amount set in the City Fee Schedule and may give notice of intent to cease providing city services to the dwelling unit. An administrative fee may be appealed pursuant to Section 15.180. Upon the failure to successfully appeal an administrative fee within the period established in Section 15.180 the City may post the dwelling unit as illegal for habitation, and cease providing city services to the dwelling unit. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid, (b) city services are restored, and (c) a rental license is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit. Each day of each violation constitutes a separate offense.

## **Subd. 2. Administration and Enforcement.**

- A. Administration and Enforcement. The Building Official and his/her designee administer and enforce the provisions of the LPMR. They may enforce the standards of the LPMR through the licensing and inspection programs set forth in Subd. 1 and, where appropriate, through the powers set forth below.
- B. Authority. In the absence of a timely appeal under the LPMR or any other applicable provision of law, the Building Official is the final authority in the determination of a violation under the LPMR.
- C. License Suspension and Revocation. A temporary permit or operating license is subject to suspension or revocation by the City Council if the holder fails to operate or maintain permitted or licensed rental dwellings and units therein consistent with the provisions of the City Code and the laws of the State of Minnesota. In the event that a permit or license is suspended or revoked by the City Council, or expires without renewal, it is unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental dwelling units until such time as a valid license may be obtained or restored by the City Council. During the period dwelling or unit is unlicensed, the City shall discontinue all utility service.
- D. Compliance Order. Whenever the Building Official determines that any rental dwelling unit, or the premises surrounding any of these, fails to meet the provisions of the LPMR, the Official may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, or agent to correct such violations.

- 1) The Compliance Order ("Order") must be in writing and describe the location and nature of the violations of the LPMR;
  - 2) The Order must establish a reasonable time, not to exceed 90 days, for the correction of such violations.
    - (a) When a violation of the LPMR constitutes an imminent peril to life, health, or property, an immediate and exact time for the correction of the violation constitutes a "reasonable time" for correction for purposes of this subpart. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal.
    - (b) A reasonable time may be longer than ninety (90) days if correction is not possible because of prevailing weather conditions;
  - 3) The Order must include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to Section 15.180;
  - 4) The Order must state that in the event the violations are not corrected within the time set in the compliance order, the license may be suspended, city services to the dwelling may be suspended, or that the necessary work may be performed by the City at the expense of the owner and that if the owner does not pay for the expense, the cost of the work will be assessed against the property.
  - 5) The Order must be served upon the owner or his/her agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
    - (a) Served personally, or
    - (b) Deposited in the U.S. Mail, addressed to the owner or agent at their last known address with first-class postage prepaid, or
    - (c) Sent via email to the email address of the owner or agent as declared in the last rental license application or renewal on file with the City.
    - (d) Upon failure to affect notice by personal service, by mail, or email, notice may be posted at a conspicuous place in or about the dwelling which is affected by the notice. Failure to affect notice by posting is not a requirement to affect service after a failure of another means of service.
- E. Emergency Cases. For purposes of subpart 2(a) above, situations which constitute an imminent peril to life, health, or property include, but are not limited to the following:



- 1) Heating systems that are unsafe as defined in Section 15.102 due to: burned out or rusted out heat exchanges (fire box); burned out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.
  - 2) Water heaters that are unsafe as defined in Section 15.102 due to: burned out or rusted out heat exchanges (fire box); burned out, rusted out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves.
  - 3) Electrical systems that are unsafe as defined in Section 15.102 due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded appliances in a hazardous condition.
  - 4) Plumbing systems that are unsanitary due to:
    - (a) leaking waste systems fixtures and traps;
    - (b) lack of a toilet;
    - (c) lack of washing and bathing facilities;
    - (d) cross connection of pure water supply with fixtures or sewage lines.
  - 5) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems that are unsafe as defined in Section 15.102.
  - 6) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials that are unsanitary.
  - 7) Infestation of rodents, insects, and other vermin.
- F. Follow-up Inspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the Building Official shall make, or attempt to make, a follow-up inspection of the premises to determine whether corrective actions have been sufficient to bring the violation(s) into compliance:
- 1) If the premises are in compliance with the requirements of this section at the time of the follow-up inspection, a license may be issued in accordance with the requirements of Section 15.107.
  - 2) If the Building Official determines that the violation(s) has not been corrected and the rental unit(s) has not been vacated, the Building Official

shall suspend any existing license. Except that no suspension shall be effect unless or until the violator has had, or waived his right to a hearing before the City Council. The Building Official also may issue a citation, or may cause the filing of a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the ordinance section(s) violated. The City may also take action to correct violations under the provisions of Section 15.107, subdivision 2.

- 3) After a suspension, the property owner may pay a reinspection fee and request a reinspection and reinstatement of the license. If the Building Official determines that the violation(s) has been corrected and the rental unit(s) and building comply with the LPMR, the license shall be reinstated. Fees for a reinspection may apply as outlined in the City Fee Schedule.

G. Execution of Compliance Orders by Public Authority. Upon the failure to comply with a compliance order within the time set therein, the rental unit(s) not being vacated, and no appeal having been taken, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the Building Official to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.

H. No Warranty by City. By enacting and undertaking to enforce the LPMR neither the City nor its Council, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the license.

## **SECTION 15.108. UNSAFE AND HAZARDOUS BUILDINGS, STRUCTURES AND EXCAVATION.**

**Subd. 1. Hazardous Building And Excavations Prohibited.** It is unlawful for the owner of premises to allow a hazardous building or hazardous excavation thereon. Each day such condition is permitted shall constitute a separate offense. For the purpose of this Section, the terms "owner," "hazardous building," and "hazardous excavation" shall have the meanings and usages ascribed to them in Minnesota Statutes, §§ 463.15 through 463.261 and as set forth in this Chapter. Provided, that this Section shall not be the exclusive remedy, the City may proceed as the City deems appropriate under said statutory sections for abatement and other remedies therein set forth, or under provisions of the City Code. The filing of criminal charges

hereunder or the conviction thereof shall not prohibit, void, or nullify any abatement proceedings or other remedies available to the City.

**Subd. 2. Unsafe Buildings And Structures.**

- A. Definition and Abatement. All structures, whether the same be buildings or otherwise, including hazardous buildings as defined in Minn. Stat. § 463.15, which are structurally unsafe or, when applicable, not provided with adequate ingress and egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, unsanitary conditions, physical damage, obsolescence, fire hazard, or abandonment; as specified in the Building Code, another provision of the City Code, or any other law or regulation; are, for the purpose of this Section, unsafe structures. All such unsafe structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified herein.
- B. Notice to Owner. The Building Official or designee shall cause to be examined every structure or portion thereof which is dangerous or damaged and, if such is found to be an unsafe structure, the City shall give to the owner of such structure written notice stating the defects therein, and shall, in detail, indicate the improvements or repairs to be made and may state that if repairs and improvements are impractical and not economically feasible so as to ultimately provide for the public safety and health, that such structure shall be removed. This notice may require the owner or person in charge of the structure or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the structure or portions thereof, and all such work shall be completed within a reasonable period of time as so stipulated in the notice by the City. Such notice may require the structure, or portion thereof, to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the City.
- C. Proper service of such notice shall be by personal service upon the owner of record or by registered or certified mail, return receipt requested. The designated period within which said owner is required to comply with the order of the City shall begin as of the date of delivery shown upon the return receipt, or the affidavit of service. If, in the event of an emergency situation the City determines that to protect the public interests of health and safety, precautions and/or repairs or removal must be conducted immediately, the City shall order the immediate barricade of any or all areas surrounding such structure causing the emergency condition and shall notify the owner of record forthwith and order repairs to be commenced immediately. In the event notice cannot be made effective in sufficient time for the owner to abate the condition or properly barricade the area, the Building Official or designee shall order any necessary precautions to protect the public and notice of such actions shall be made on the owner of record



forthwith. It is unlawful for any person owning or controlling a structure within the City to deny access to the City for purposes of this Section, nor shall the City be liable for trespass but the right of entry for the City shall be presumed to exist; and if need be, the Building Official or designee is authorized to obtain a warrant to effectuate performance of the LPMR, or for entry or correction of violations thereof found on the premises.

- D. Hearing Procedure. Within twenty (20) days from the date of service, any person upon whom the order is served may request a hearing by the City Council in compliance with such provisions relating to administrative appeals contained in the City Code and by making such request in writing to the , City Administrator, Building Official or their designee. If such a hearing is requested, the execution of the order prepared by the City shall be stayed and the time period as provided in the notice shall not commence until such hearing has taken place and the order of the Council given. (The requirements of this Subdivision, however, shall not infringe upon the rights of the City in the event of an emergency as described in Paragraph C of this Subdivision). If an emergency situation exists as referenced in Paragraph C of this Subdivision, the hearing shall be held forthwith and demand for such hearing must be made within fourteen (14) days by the person upon whom notice is served following receipt of such notice.
- E. Posting of Signs. The City shall post notices warning the public of known dangers pursuant to this Chapter. Notices may be posted after the hearing described above, or in the event of an emergency, notices may be posted immediately. The City shall post notices at each entrance and at other points deemed appropriate. The notice should read: DO NOT ENTER, UNSAFE TO OCCUPY, CITY OF LEXINGTON. Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Official or designee and no person shall enter the structure except for the purpose of making the required repairs or demolishing the structure.
- F. Right to Demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Council may order the owner of the structure prosecuted for violation of the provisions of this Section, or order the Building Official or designee to proceed with the work specified in such notice or the demolition of such structure, or both.
- G. Costs. The Building Official or designee shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection therewith. Such costs shall be charged and assessed to the owner of the premises involved as a special assessment and shall be collected in the manner ordered by the Council provided for by special assessments.

- H. **Unlawful Act.** It is unlawful for the owner of any property to suffer or permit an unsafe building as defined herein to remain thereon. Each day such condition is suffered or permitted shall constitute a separate offense. In cases of multiple or corporate ownership, any person or persons exercising ownership control, either individually or with others, who refuses to order the action required herein shall be deemed to be the owner causing the violation and subject to prosecution and conviction hereunder.
- I. **Secure Vacated Buildings.** The owner of any dwelling, dwelling unit, or rooming unit which is vacant for a period of six (6) days or more, must make same safe and secure so that it is not hazardous to the health, safety, or welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this ordinance, and may be secured by the City under the provisions of Minn. Stat. § 463.251.
- J. **Standards for Boarded Openings.** All boarding over windows, doors or other openings shall be covered with ½" or thicker CDX plywood that is primed and painted to a light or matching color. The board(s) shall be the minimum number of pieces needed to cover the opening, well cut to fit and placed so there are no protruding edges. The board(s) shall be mounted in such a manner or sealed at edges so that rainwater is shed away from interior structural components. Fasteners shall be galvanized or anodized finish and shall be placed at board corners and then no further than 12 inches apart around the board perimeter.

**Subd. 3. Hazardous Excavations.** If an excavation for building purposes is left open for more than two months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished, or removed, the City Council may order such excavation to be filled or protected or in the alternative that erection of a building must begin forthwith if the excavation is for building purposes. The order shall be served upon the owner by personal service or by registered or certified mail, return receipt requested. If the owner of the land fails to comply with the order within fifteen (15) days after the order is served, the City Council shall order the excavation to be filled to grade or protected. The Building Official or designee shall keep an accurate account of the expenses incurred in carrying out the orders and of all other expenses theretofore incurred in connection therewith. Such costs shall be charged and assessed to the owner of the premises involved as a special assessment and shall be collected in the manner ordered by the Council provided for by special assessments.

**Subd. 4. Unfit for Human Habitation.**

- A. **Local Public Health Act.** Under the Local Public Health Act, the Anoka County Community Health Board (or its agent) has the responsibility to order an owner or

occupant of a property to remove or abate a threat to the public health which is found on the property, such as a public health nuisance (i.e., a garbage house), source of filth, or cause of sickness. Minn. Stat. §§ 145A.01-.17.

- B. Building Official. Under the City Code, Building Officials or his/her designee shall order an owner or occupant of a property to remove or abate a threat to the public health which is found on the property which otherwise violates the LPMR. When unabated, the Building Official shall order a dwelling unfit for human habitation.
- C. Unfit Dwellings. Any dwelling, dwelling unit, or rooming unit or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitation facilities to the extent that the defects create a hazard to health, safety, or welfare of the occupants or of the public, or which otherwise fails to meet the requirements of this Section, may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, or rooming unit has been declared unfit, the Building Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any registration previously issued for such dwelling shall be revoked.
- D. Removal of Declaration Placard. It shall be unlawful for such dwelling, dwelling unit, or rooming unit, or portion thereof, to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Building Official. No person other than the Building Official shall deface or remove the declaration placard from any such dwelling unit.

***SECTION 15.109 THROUGH 15.179, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.***

**SECTION 15.180. APPEALS.**

**Subd. 1. Right of Appeal.** Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten (10) business days after service of the compliance order. If an appeal is not filed within the timelines and in the manner specified herein, the Building Official's decision shall be final. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety.

**Subd. 2. City Council Decision.** Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the City Council or the individual or committee designated by the Council as the appeal body, must hold a hearing thereon, at which the applicant may appear and present evidence as to why the compliance order, or any portion



thereof, should not be issued. If an individual or committee other than the City Council hears the appeal, it shall make a recommendation to the City Council. The City Council may reverse, modify or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council or appeal committee or officer may postpone a meeting and hold hearing at a later date, not to exceed sixty (60) days after the appeal is filed, when it is necessary to do so.

***SECTION 15.181 THROUGH 15.198, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.***

***SECTION 15.199. VIOLATION A MISDEMEANOR.***

Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Each day of such failure to comply constitutes a separate offense. Criminal prosecution shall be in addition to any other penalty or enforcement mechanism allowed by law or equity.