



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

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Title: AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

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Drafter: slapaugh@duluthmn.gov

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History of Legislative File

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Text of Legislative File 16-024-O

AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

CITY PROPOSAL:

Section 1. That Section 29A-1 of the Duluth city code, 1959, as amended, is hereby

amended to read as follows:

Sec. 29A-1. IPMC adopted.

The city of Duluth ~~does~~ hereby adopts by reference the year 2000¹² edition of the International Property Maintenance Code, as hereinafter amended pursuant to this ordinance, as the Housing and Property Maintenance Code of the city of Duluth. Adoption of amendments and new editions to the International Property Maintenance Code as the Housing and Property Maintenance Code shall be established by resolution of the city council. Notwithstanding adoption of any new editions of the International Property Maintenance Code: the Housing and Property Maintenance Code for the city shall not apply to public streets, sidewalks, easements or other public rights of way; repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures of the Minnesota State Building Code, as amended; and nothing in the Housing and Property Maintenance Code shall be construed to cancel, modify or set aside any of the provisions of Chapter 50 of the Duluth City Code, 1959, as amended, regulating zoning. Where conflicts occur between this chapter and any new editions of the International Property Maintenance Code that may be adopted as the Housing and Property Maintenance Code for the city, the provisions of this chapter shall apply.

Section 2. That Section 29A-4 of the Duluth city code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-4. Service of notices and orders.

(a) Whenever the code official determines that there exists a violation of any provisions of this Chapter, notice of the violation shall be issued to the owner of record or the owner's agent, if known, as hereinafter provided.

Such notice shall:

- (1) Be written;
- (2) Identify the violations;
- (3) Provide a correction deadline. In determining the deadline, the code official shall consider, along with all other pertinent factors, the nature and extent of the work involved, the season of the year and the existence of any immediate danger to public health and safety;
- (4) The notice may be delivered by any reasonable means including, but not limited to personal delivery, e-mail notification or by United States mail, postage prepaid, to the last-known address of the owner or owner's agent, or by posting the notice in a conspicuous place on or about the premises. It shall be the responsibility of the owner or owner's agent to provide and maintain updated contact information, including address, phone number, and e-mail, for receipt of all notices, orders, citations or other correspondence issued pursuant to this Chapter;

(b) Notices served pursuant to this Section shall become final orders unless an appeal is filed as provided in Section 29A-5. Lack of sufficient service or notice shall not serve as a defense to any notice, order, citation or other communication issued pursuant to this Chapter if the owner or owner's agent has failed to provide and maintain updated contact information as required by this Chapter. All final orders shall be complied with or the premises vacated by the deadline provided in the order;

(c) Whenever the code official finds that an emergency exists which requires immediate action to protect the public health and safety, the code official may, without notice or hearing, issue an order declaring the existence of such an emergency and

requiring that such action be taken as deemed necessary to meet the emergency notwithstanding the other provisions of this Chapter. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

Section 3. That Section 29A-27 of the Duluth city code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-27. Definitions.

(a) The definitions contained in Sections 201 and 202 of the year 2000 edition of the IPCM, as adopted by Section 29A-1 of this Chapter, shall apply to this Article;

(b) For purposes of this Article, the phrase "one-family dwelling" shall have the meaning ascribed by Chapter 50, Article VI;

(c) For purposes of this Article, the phrase "two-family dwelling" shall have the meaning ascribed by Chapter 50, Article VI;

(d) For purposes of this Article, the phrase "multiple-family dwelling" shall have the meaning ascribed by Chapter 50, Article VI;

(e) Rental unit means any dwelling that is occupied by any tenants. For purposes of any fees under this Article, each bedroom in a multi-tenant single-family and multi-tenant two-family dwelling constitutes a rental unit;

(f) Residence means the primary dwelling where an individual lives and usually sleeps;

(g) Except as otherwise provided in Section 29A-27(g)(1)-(2), tenant means any adult person or emancipated minor who is occupying a dwelling under any agreement, lease or contract, whether oral or written, and for a period of ~~seven~~ 30 or more consecutive or nonconsecutive days in any ~~month~~ year, whether or not such occupancy requires the payment of rent, the payment of utilities or the provision of services, for the use of the dwelling;

(1) A tenant shall not include any owner of record and an owner's natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with that owner as a family unit; significant other means romantic partner;

(2) A tenant shall not include a tenant's natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with the tenant as a family unit; significant other means romantic partner;

~~(h) For purposes of this Article, and except as otherwise provided herein, "protection zone" means any parcel of land, lot or part thereof within or abutting the area described as follows: a point beginning at the point of intersection of the centerline of North Sixth Avenue East and the centerline of East Fifth Street, thence northwesterly along the centerline of North Sixth Avenue East to its point of intersection with Central Entrance Drive, thence westerly along the centerline of Central Entrance Drive to its point of intersection with the centerline of Rice Lake Road, thence northerly along the centerline of Rice Lake Road to its point of intersection with the centerline of West Arrowhead Road, thence easterly along the centerline of West Arrowhead Road to its point of intersection with the centerline of Blackman Avenue, thence northerly along the centerline of Blackman Avenue to its point of intersection with the centerline of MacFarlane Road, thence easterly along the centerline of MacFarlane Road to its point of intersection with the centerline of Howard Gnesen Road, thence southeasterly along~~

~~the centerline of Howard Gnesen Road to its point of intersection with the centerline of Old Howard Gnesen Road, thence north/northeasterly along the centerline of Old Howard Gnesen Road to its point of intersection with the centerline of South Road, thence easterly along the centerline of South Road in a straight line to its point of intersection with the northwest corner of the Third Glen Avon Division of Duluth, thence north in a straight line to its point of intersection with the centerline of Anoka Street, thence easterly along the centerline of Anoka Street to its point of intersection with the centerline of St. Paul Avenue, thence south along the centerline of St. Paul Avenue to its point of intersection with the centerline of Carlisle Avenue, thence easterly along the centerline of Carlisle Avenue to its point of intersection with the centerline of Grove Street, thence northeasterly along the centerline of Grove Street to its point of intersection with the centerline of Princeton Place, thence northeasterly along the centerline of Princeton Place to its point of intersection with the southerly boundary of Park Hill Cemetery, thence easterly along the southern boundary of Park Hill Cemetery until its point of intersection with the western easement line of Livingston Avenue, thence easterly in a straight line to its point of intersection with the centerline of Livingston Avenue, thence northerly along the centerline of Livingston Avenue to its point of intersection with the centerline of Everett Street, thence easterly along the centerline of Everett Street to its point of intersection with the centerline of Jean Duluth Road, thence southwesterly along the centerline of Jean Duluth Road to its point of intersection with the centerline of Lakeview Drive, thence southwesterly along the centerline of Lakeview Drive to its point of intersection with the centerline of Vermilion Road, thence southerly along the centerline of Vermilion Road to its point of intersection with the centerline of Congdon Park Drive, thence southeasterly along the centerline of Congdon Park Drive to its point of intersection with the centerline of South 32nd Avenue East, thence southeasterly along the centerline of South 32nd Avenue East to its point of intersection with the centerline of Jefferson Street, thence southeasterly along the centerline of Jefferson Street to its point of intersection with the centerline of North 21st Avenue East, thence, northwesterly along the centerline of North 21st Avenue East to its intersection with the centerline of East Fifth Street, thence southeasterly along the centerline of East Fifth Street to the point of beginning, and as depicted on the map on file with the city clerk as Public Document No. 11-0214-30;~~

~~(1) The following described area located within the protection zone defined in Section 29A-27(h) is excluded from the zone: any parcel of land, lot or part thereof within or abutting the area described as follows: a point beginning at the point of intersection of the centerline of Carver Avenue and the centerline West St. Marie Street, thence south in a straight line to its point of intersection with a straight line extending west from the point of intersection of Woodland Avenue and Elizabeth Street, thence east in a straight line to its point of intersection with the centerline of Woodland Avenue and the centerline of Elizabeth Street, thence northeasterly along the centerline of Woodland Avenue to its point of intersection with the centerline of West St. Marie Street, thence westerly along the centerline of West St. Marie street to the point of beginning, and as depicted on the map on file with the city clerk as Public Document No. 11-0214-30.~~

Section 4. That Section 29A-29 of the Duluth city code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-29. Licenses--application, procedure, type.

(a) Applications for rental licenses shall be filed with the code official by the owner or the owner's agent and shall be accompanied by the required license fee. The code official may reject any incomplete application;

(1) Applications for license renewals shall be filed at least 90 days prior to license expiration;

(2) Upon receipt of a complete application and fees the code official may issue a license if the rental unit is eligible for licensure;

(3) Rental units which comply with the State Building Code and have been constructed and certified for occupancy within one year prior to date of application and are otherwise eligible for licensure shall be issued a license for the initial licensing period without further inspection;

(b) All other rental units shall be inspected before a license is issued. No license shall be issued unless the rental unit complies with the provisions of this Chapter and all other applicable laws;

(c) Except as otherwise provided in this Article, any application for the renewal of an expired license shall be processed as a new license application and the rental unit must comply with all applicable laws;

(d) If a rental license lapses as a result of the failure to comply with this Section, the license may be administratively reissued without regard to the provisions of paragraphs (a) through (c) of this Section if within 180 days of the expiration of the license the owner complies with all other requirements of this Section 29A-29;

(e) The applicant shall identify a managing agent or contact person who resides within a 25 miles radius of the city and who has the authority to act for the owner. It shall be the responsibility of the owner or owner's agent to provide and maintain updated contact information, including address, phone number, and e-mail, for receipt of all notices, orders, or other correspondence relating to the licensed property;

(f) Except as otherwise provided, all new rental license, short term license, change of license type and rental license renewal applications shall be completed and applicable fees paid for a specified maximum number of bedrooms that can be occupied by tenants. The maximum allowable number of bedrooms that can be occupied by tenants in a rental unit is determined by Section 29A-32;

(1) The fee per bedroom structure shall not apply to the single-tenant license. A single fee for the dwelling unit shall be established as provided in Section 29A.30;

(g) A single-tenant rental license may be issued to a one-family or two-family dwelling. The license limits the number of tenants that may occupy the rental unit to one tenant;

(h) A multi-tenant rental license authorizes the occupancy of the rental unit by more than one tenant; ~~No new multi-tenant rental license may be issued for any one family dwelling in areas zoned traditional residential or urban residential and located within the protective zone. The restriction on new multi-tenant licenses shall expire on the earlier of the date a campus area small neighborhood plan is adopted by the city council or January 1, 2012. The restriction on multi-tenant licenses shall not apply to a rental unit that was currently licensed on March 14, 2011;~~

(i) Except as otherwise provided, a short term rental license, whether single-tenant or multi-tenant, may be issued for a period not to exceed 12 consecutive months for any single-family or two-family dwelling under the following circumstances and pursuant to the following conditions:

(1) The owner is the occupant of the dwelling unit at the time of application or the code official finds that the owner was the occupant within 30 days before the date of application; and

(2) For professional, educational, medical, or military service reasons the owner intends to reside in another community located at least 50 miles from the city; and

(3) The owner provides sufficient evidence of such intention to temporarily relocate. Such evidence may include, but is not limited to written offers of employment, employment transfer directives, a letter of acceptance from an educational institution, or military orders; and

(4) The license may not be issued more frequently than once in any three year period; and

(5) The license shall be applied for in the same manner as other rental licenses; and

(6) Except as otherwise provided in this Article, the rental unit shall comply with all applicable rental licensing standards; and

(7) A short term license may be extended for additional six months periods provided that an application for extension is received prior to the expiration of the short term license or six-month extension and adequate evidence justifying the extension is submitted.

Section 5. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to clarify the scope of application of the International Property Maintenance Code as the Housing and Property Maintenance Code for the city, provide a mechanism for resolving any conflicts between the provisions of Chapter 29A and the Housing and Property Maintenance Code, amend the definition of “tenant” to mean anyone occupying a dwelling for a period of 30 days or more in any given year, strike obsolete language pertaining to the expired “protection zone” previously described in Sec. 29A-27(h), and highlight the responsibility of rental property owners or their agents to provide and maintain updated contact information for receipt of official notices or communications relating to rental properties.