

CITY OF MEDICINE LAKE

ORDINANCE NO. 126

AN ORDINANCE GOVERNING THE LICENSURE AND REGULATIONS OF RENTAL HOUSING

THE CITY OF MEDICINE LAKE ORDAINS:

SECTION 1. PURPOSE. It is the purpose of this ordinance to protect the public health, safety and welfare of citizens of the City who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings in the City.

SECTION 2. DEFINITIONS. For the purposes of Ordinance 126 the terms defined in this Section shall have the meanings given them in the subdivisions which follow:

Subd. 1. **Rental Dwelling.** As used in this ordinance the term "rental dwelling" shall mean any rental dwelling with one or more living units. "Rental dwelling" does not include hotels, motels, hospitals and homes for aged.

Subd. 2. **Operate.** As used in this ordinance, the term "operate" means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling.

Subd 3. **Code Official.** Shall be the Rental licensing official as designated by the City Council

SECTION 3. LICENSE REQUIRED. No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling in the City without first having obtained a license. The license is issued every three years and is valid only for the original purchaser until the date of expiration. Licenses issued during the 3 year period will be prorated for fees.

SECTION 4. APPLICATION FOR LICENSES. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

- Subd. 1. Name, business or residence address and telephone number of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name and address of the chief operating officer; in cases where the owner of a dwelling resides outside of the seven-county metropolitan area consisting of the following counties: Hennepin, Anoka, Washington, Ramsey, Dakota, Scott, and Carver; the owner's agent/contact person shall reside within the seven-county area.
- Subd. 2. If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, and telephone number of such agent.
- Subd. 3. Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address and telephone number, and a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- Subd. 4. Street address of the dwelling.
- Subd. 5. Number and kind of units within the rental dwelling (dwelling units, tenement units, rooming units or others). For each unit, specify the floor number, and the unit number and/or letter and/or designation.
- Subd. 6. In the event that any of the information required to be provided by this Section changes, the applicant or licensee shall, within ten days, notify in writing the Code Official of the change. However, if the natural person designated in Subdivision 3 changes, the licensee or applicant shall file an entirely new application within ten days. Furthermore, for just cause, the Code Official may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of ten days to comply.
- Subd. 7. Section 13 shall apply to a dwelling as if the dwelling has a rental license in the instance where the dwelling was rented without a license as required by Section 3 but is within 365 days of filing an application for a license. If there have been three or more instances of conduct deemed to be disorderly under Section 13 during the 365 days prior to filing the application, the rental dwelling license shall not be issued until a minimum of 365 days have elapsed since the last violation. If there have been one or two instances of disorderly conduct during the prior 365 days, the license may be issued but the instances of disorderly conduct shall apply to the license.

SECTION 5. TEMPORARY LICENSES.

The Code Official may issue a temporary license to the owner of a rental dwelling who has submitted an application and paid a prorated license fee. A temporary license shall authorize the continued occupancy of rental dwelling units in actual existence, pending issuance of a rental dwelling license. A temporary license shall authorize the continued occupancy of dwelling units converted to rental usage, which shall be inspected pursuant to Section 10. A temporary license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in Section 12. A temporary license is not a determination that the building complies with the housing maintenance code or minimum standards set forth in Section 12.

SECTION 6. MANDATORY TRAINING.

The owner or property manager of a rental dwelling may be required to complete a Crime Free Housing training program that has been approved by the City Council if there is a violation of Code Section 13. Refresher courses may be required when there are additional violations of this Code prior to license renewal.

SECTION 7. LICENSE RENEWAL.

Notwithstanding the application signature requirements of Section 5, renewals of the license as required by this Code may be made by filling out the required renewal form available through the City to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to City Hall

SECTION 8. TENANT REGISTER.

The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home.

In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the City of any change of the identity, address or telephone numbers of such persons. The register must be available for the inspection by the City at all times.

SECTION 9. LICENSE FEES.

Rental license fees are set forth in City Fee Schedule

SECTION 10. INSPECTIONS REQUIRED.

Pursuant to this Section, scheduled inspections are required to determine the condition of rental dwellings located within the City for the purpose of enforcing the rental licensing standards. The-designated representative may enter, examine and survey at all reasonable times all rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.

SECTION 11. NOTICES.

Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Section, notice shall be deemed sufficient if sent certified mail to the owner or owner's designated agent at the address specified in the last license application filed with the City. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

SECTION 12. MAINTENANCE STANDARDS.

Every rental dwelling shall maintain the standards in Ordinance 37 Public Health Housing Code in addition to any other requirement of the ordinance of the City or special permits issued by the City, or the laws of the State of Minnesota.

SECTION 13. RENTAL DWELLING LICENSES.

Conduct on licensed premises.

Subd. 1. It shall be the responsibility of the rental license holder to take appropriate action, with the assistance of the City, to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly, in violation of any of the following statutes or ordinances:

Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;

Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;

Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;

Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;

Minnesota Rules: 7030 Noise Pollution Control Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 930 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;

Minnesota Statutes, Section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

Failure to comply with dangerous dog requirements in violation of Section 13 of Ordinance 77 or Minnesota Statutes Chapter 347.

Indecent exposure in violation of Minnesota Statutes, Section 617.23.

Assault, as defined by Minnesota Statutes, Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.

Public nuisance, as defined by Ordinance 24 or Minnesota Statutes, Sections 609.74—609.745.

The unlawful sale, furnishing, use, or possession of intoxicating liquor or malt liquor in violation of Minnesota law or Ordinance 10

Criminal damage to property in violation of Minnesota Statutes 609.595.

The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes, Section 152.027 subd. 4.

The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes, Section 152.092.

Contributing to the delinquency or status as a juvenile.

Failure to restrain a domestic animal in violation of Section 5 of Ordinance 77

Cruelty to animals in violation of Minnesota law.

Excess number of domestic animals in violation of Section 8 of Ordinance 77

Illegal possession of a wild animal in violation of Ordinance 113.

Illegal open burning in violation of Ordinance 46

Illegal refuse in violation of Zoning Code.

Abandoned or junk vehicles in violation of Minnesota law.

Illegal exterior storage in violation of the Zoning Code

Illegal parking or storage of recreational vehicles in violation of the Zoning Code

Illegal parking or storage of vehicles in violation of the Zoning Code.

False report to public officer Minnesota Statute Section 609.505

Three cumulative renter violations in a 365-day period of other City Codes or State Statutes on the premises or on the adjacent rights-of-way. These violations include, but are not limited to, parking.

- Subd. 2. A determination that the licensed premises have been used in a disorderly manner as described in Subdivision 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.
- Subd. 3. Upon determination utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action with the assistance of the City to prevent further violations.
- Subd. 4. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within 365 days of an incident for which a notice in Subdivision 3 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 365 days.
- Subd. 5. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within 365 days after the second of any two previous instances of disorderly use for which notices were sent to the licensee pursuant to this Section, the rental dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this Section shall be initiated by the City in the manner described in Section 410.45, and shall proceed according to the procedures established in Sections 14 and 15 .
- Subd. 6. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or the tenant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within ten days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

SECTION 14. REVOCATION, SUSPENSION, OR PROBATION.

Subd. 1. Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this ordinance or any other ordinance of the City or any special permit issued by the City or the laws of the State of Minnesota.

Subd. 2. The license may be suspended, revoked, or placed in a probation status by the Council after a written notice is sent to the license holder specifying the ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the Council, which shall not be less than ten days from the date of the notice.

Subd. 3. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Subd. 4. After a hearing the Council may suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety or general welfare.

SECTION 15. SUMMARY ACTION.

Subd. 1. When the condition of the rental dwelling of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the Code Official shall have the authority to summarily condemn or close off such area of the rental dwelling.

Subd. 2. Any person aggrieved by a decision of the Code Official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The Code Official shall schedule a date for hearing before the Council and notify the aggrieved person of the date.

Subd. 3. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

Subd. 4. The decision shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision be affected.

SECTION 16. APPLICABLE LAWS.

Licenses shall be subject to all of the ordinances of the City and the State of Minnesota relating to rental dwellings; and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SECTION 17. REPEALER.

Adoption of this Ordinance repeals Ordinance 90 Rental Housing Regulations; Licensure and Regulation of Rental Housing of the City of Medicine Lake as adopted.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

ADOPTED this 3rd day of February, 2020 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk