

**SECTION 5.72 LICENSING OF RENTAL HOUSING.**

**Subd. 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.

**Subd. 2. Definitions.**

- A. "Administrative Authority" means the Fire Chief, Building Official, or their designee.
- B. "Rental Dwelling" means any rental dwelling with one or more living units. "Rental dwelling" does not include hotels, motels, hospitals and homes for aged.
- C. "Operate" means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling.

**Subd. 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 each year and is valid until the date of expiration.

**Subd. 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 City Council. Such application shall be submitted at least sixty (60) days prior to the expiration date of the license, and shall specify the following:

- A. Name and address of the owner of the rental dwelling.
- B. Name and address of any operator or agent actively managing said rental dwelling.
- C. Name and address of all partners if the registrant is a partnership.
- D. Name and address of all officers of the corporation if the registrant is a corporation.
- E. Name and address of the vendee if the rental dwelling is owned or being sold on a contract for deed.
- F. Legal address of the rental dwelling.
- G. Number and kind of units within the rental dwelling classified as dwelling units, tenement units, or rooming units or other.
- H. Name and address of on site operating manager if any.

**Subd. 5. Application, Execution.** The application shall be subscribed and sworn to be the applicant before an officer duly qualified to take oaths and shall be made by the owner if such owner is a natural person; if the owner is a corporation by an officer thereof; if a partnership by one of the partners; and if an unincorporated association, by the manager or managing officer thereof.

**Subd. 6. License Renewal.** Notwithstanding the application signature requirements of Subdivision 5, renewals of the license as required annually by this code may be made by filling out the required renewal form furnished by the Administrative Authority to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to the Administrative Authority.

**Subd. 7. License Fees.** Such license fees shall be in the amount set by the City Council from time to time.

**Subd. 8. Posting.** Every registrant of a rental dwelling shall post the annual license issued by the Administrative Authority. The annual license shall be conspicuously posted (in a frame with a glass covering) by the registrant, in a

public corridor, hallway or lobby of the rental dwelling for which they are issued.

**Subd. 9. Maintenance Standards.** Every rental dwelling shall maintain the standards in the City Code, Chapter 9, Section 9.11 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.

**Subd. 10. Revocation or Suspension.**

- A. Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend or revoke 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 Article or any other City Code provision, or any permit issued by the City or the laws of the State of Minnesota.
- B. The license may be suspended or revoked by the City 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 City Council, which shall not be less than 10 days from the date of the notice.
- C. At such hearing before the City Council, the license holder or their attorneys may submit and present witnesses on their behalf.
- D. After a hearing the City Council may suspend or revoke the license if they deem it necessary to protect the public health, safety or general welfare.

**Subd. 11. Summary Action.** 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 Administrative Authority shall have the authority to summarily condemn or close off such area of the rental dwelling.

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

The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action. The decision of the Administrative Authority shall not be voided by the filing of such appeal. Only after the City Council has held its hearing will the decision of the Administrative Authority be affected.

**Subd. 12. 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.

**Subd. 13. Rental Dwelling Licenses; Conduct On Licensed Premises.** It shall be the responsibility of the rental license holder to take appropriate action to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly, (hereinafter referred to as a "Disorderly Use Violation") in violation of any of the following statutes or ordinances:

- A. Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
- B. Minnesota Statutes, Sections 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
- C. 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;

- D. Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- E. Minnesota Statutes, Section 609.72, and Chapter 9, Section 9.30 of this Code, 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;
- F. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 which prohibit the unlawful possession, transportation, sale or use of a weapon.

**Subd. 14. Disorderly Use Violations.**

- A. Upon determination by the Administrative Authority that a Disorderly Use Violation occurred on the licensed premises, as described in Subdivision 13 above, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action to prevent further violations.
- B. If a second Disorderly Use Violation occurs on the licensed premises by the same tenant, a family member, a roommate, or a guest of the tenant within twelve (12) months of an incident for which the notice in Subdivision 13A above 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 disorderly use of the premises. This written report shall be submitted to the City within seven (7) days of receipt of the notice (excluding holidays) of disorderly use of the premises.
- C. If a third Disorderly Use Violation occurs on the licensed premises by the same tenant, a family member, a roommate, or a guest of the tenant within twelve (12) months after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the unit occupied by the involved tenant may be suspended by the City Council. The initial suspension may be for up to sixty (60) days. If another disorderly use violation occurs on the licensed premises by the same tenant, a family member, a roommate, or a guest of the tenant within twelve (12) months after the end of a suspension period, the City Council may suspend the rental dwelling license for the unit occupied by the involved tenant for up to one hundred twenty (120) days. In lieu of a suspension, the City Council may impose a fine equivalent to the rent for the suspension period.
- D. It shall not be considered an instance of disorderly use if the tenant is evicted or voluntarily vacates the licensed premises prior to the hearing before the City Council and within two (2) full calendar months after the determination by the Administrative Authority that disorderly use has occurred and notice of the determination has been sent to the licensee.

**Subd. 15. Multiple Suspensions.** If the license of more than one dwelling unit in a licensed premises is suspended within twelve (12) months, the period of suspension for the second and subsequent dwelling units licensed that are suspended may be doubled for the suspension period specified in Subdivision 14 above.

(Sections 5.73 through 5.98, inclusive, reserved for future expansion.)

**SECTION 5.99. VIOLATION A MISDEMEANOR.**

Every person violates a section, subdivision, paragraph or provision of this Chapter when he 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.

Source: City Code  
Effective Date: 9-17-82