

ORDINANCE NO. 08-04

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN AMENDMENT TO CHAPTER 105
OF THE FALCON HEIGHTS CITY CODE
CONCERNING RENTAL HOUSING

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Article IV is added to Chapter 105 of the Falcon Heights City Code to read as follows:

ARTICLE IV. RENTAL HOUSING

Sec. 105-86. Purpose.

It is the purpose of this article 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.

Sec. 105-87. Definitions.

For the purposes of this article, the terms defined in this section shall have the meanings given them as follows:

Compliance official. As used in this article, the term "compliance official" shall mean the city administrator or his or her designee.

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

Rental dwelling. As used in this article, the term "rental dwelling" shall mean any rental dwelling with one to four living units in which the units are rented for more than four months in any calendar year. "Rental dwelling" does not include hotels, motels, hospitals, or homes for the aged.

Sec. 105-88. License required.

No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling in the city without first obtaining a license. The license is issued annually and is valid until the date of expiration.

Sec. 105-89. 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 in the City Code. Such application shall be submitted at least sixty (60) days prior to the expiration date of the license, and shall specify the following:

- (1) *Provisional license.* Dwellings required to be licensed, which are existing and in operation prior to the effective date of this ordinance, may continue to operate with a provisional license. A provisional license will be issued upon receipt of application

and payment of fees. The provisional license shall be valid until a license is issued or it is determined that license requirements have not been met and the city will not issue a license.

- (2) Name and address of the owner of the rental dwelling.
- (3) Name and address of any operator or agent actively managing said rental dwelling.
- (4) Name and address of all partners if the registrant is a partnership.
- (5) Name and address of all officers of the corporation if the registrant is a corporation.
- (6) Name and address of the vendee if the rental dwelling is owned or being sold on a contract for deed.
- (7) Legal address of the rental dwelling.
- (8) Number and kind of units within the rental dwelling classified as dwelling units, tenement units, or rooming units or other.
- (9) Name and address of on site operating manager, if any.

Sec. 105-90. License renewal.

Notwithstanding the application signature requirements, renewals of the license as required annually by this Code may be made by filling out the required renewal form furnished by the compliance official to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to the compliance official.

Sec. 105-91. License fees.

Such license fees shall be in the amount established in this Code.

Sec. 105-92. Furnish License.

Every registrant of a rental dwelling shall be given a copy of the license. The license shall contain a statement that the tenant or tenants may contact the attorney general for information regarding the rights and obligations of owners and tenants under state law. The statement shall include the telephone number and address of the attorney general.

Sec. 105-93. City inspections.

(a) Pursuant to this section, the compliance official shall make inspections to determine the condition of rental dwellings located within the City for the purpose of enforcing the rental licensing standards. The compliance official or 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 by the compliance official or designate representative, 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.

(b) The owner's rental housing license may be suspended, revoked or denied renewal for failing to maintain the licensed building in compliance with the property maintenance code as set forth in chapter 105, article III of this Code or otherwise failing to comply with the requirements of the City Code or applicable state or federal law.

Sec. 105-94. Maintenance standards.

Every rental dwelling shall maintain the standards in chapter 105, article III, Housing Code and chapter 22, Blight, 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.

Sec. 105-95. Crime Free/Criminal Activity Lease Requirements.

(a) All tenant leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain the following Crime Free/Criminal Activity language:

(1) DRUG-RELATED ACTIVITY.

- a. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in drug-related criminal activity, on or near the premises.
- b. Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate drug-related criminal activity on or near the premises.
- c. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- d. Resident, any member of the resident's household or a guest, or other person affiliated with the resident shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.
- e. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.

(2) CRIMINAL ACTIVITY.

- a. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in Criminal Activity, engage in any act intended to facilitate Criminal Activity, or permit the dwelling unit to be used for or facilitate Criminal Activity on or near the premises.
- b. THREE CRIMINAL ACTIVITY VIOLATIONS INVOLVING THE SAME TENANCY WITHIN A CONTINUOUS TWELVE MONTH PERIOD SHALL BE A SUBSTANTIAL AND MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF THE TENANCY.
- c. NOTWITHSTANDING THE ABOVE PROVISION, CRIMINAL ACTIVITY THAT JEOPARDIZES THE HEALTH, SAFETY, AND WELFARE OF THE LANDLORD, HIS OR HER AGENT, OTHER RESIDENTS, NEIGHBORS OR OTHER THIRD PARTY, OR INVOLVING IMMINENT OR ACTUAL SERIOUS PROPERTY DAMAGE SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.

(3) Definitions.

- a. The term "criminal activity" means the violation of the following:
 - 1) Minnesota Statutes §§ 609.75 through 609.76, which prohibit gambling;
 - 2) Minnesota Statutes §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 - 3) Minnesota Statutes § 340A.401, which prohibit the unlawful sale of alcoholic beverages;

- 4) Minnesota Statutes §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and § 930 of this code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
 - 5) Minnesota Statutes §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
 - 6) Minnesota Statutes §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;
 - 7) Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
 - 8) Minnesota Statutes §§ 609.52 which prohibit theft;
 - 9) Minnesota Statutes §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
 - 10) Minnesota Statutes § 609.582 which prohibit burglary;
 - 11) Minnesota Statutes § 609.595 which prohibit damage to property;
 - 12) Chapter 22, Article III of this Code, which prohibits nuisances;
 - 13) Minnesota Statutes § 609.72, which prohibit 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; and
 - 14) Section 30-3 of the Falcon Heights City Code which prohibits the discharge of a firearm.
- b. The term “drug related criminal activity” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance or any substance represented to be drugs in violation of Minnesota Statutes §§ 152.01 through 152.025, and 152.027, subs. 1 and 2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802).

(4) **Non-Exclusive Remedies.** The Crime Free/ Criminal Activity provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.

(b) These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2009 and all renewed leases thereafter.

(c) Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used in violation of the Drug-Related Activity provision of Subsection (a)(1) or Criminal Activity provision of Subsection (a)(2)(c) , the city shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall notify the tenant or tenants within ten (10) days of the notice of violation of the Crime Free/Criminal Activity lease language and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

(d) Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used for Criminal Activity as set forth in Subsection (a)(2) herein, the city shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further Criminal Activity violations.

(e) If a second Criminal Activity violation occurs within a continuous twelve (12) month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager

of the second violation. The owner or property manager shall respond in writing within ten (10) days of receipt of the notice with an action plan to prevent further Criminal Activity violations.

(f) If a third Criminal Activity violation occurs within a continuous twelve (12) month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten (10) days of the violation of the Crime Free/Criminal Activity lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

(g) The provisions of Subsections (c), (d), (e), and (f) herein do not apply if the determination that the premises have been used in violation of the Crime Free/Criminal Activity provisions of Subsections (a)(1) and (a)(2) herein originates from a call from or at the request of one or more of the tenants occupying the premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term "domestic abuse" has the meaning given in Minn. Stat. § 518B.01, subd. 2.

Sec. 105-96. Revocation or suspension.

(a) Every license or permit issued under this article 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 ten 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.

Sec. 105-97. Summary action.

(a) 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 compliance official shall have the authority to summarily condemn or close off such area of the rental dwelling.

(b) Any person aggrieved by a decision of the compliance official 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 administrator shall schedule a date for hearing before the city council and notify the aggrieved person of the date.

(c) The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

(d) The decision of the compliance official shall not be voided by the filing of such appeal. Only after the city council has held its hearing will the decision of the compliance official be affected.

Sec. 105-98. 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 article shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

Sec. 105-99. Multiple suspensions.

If the license of more than one dwelling unit in a licensed premises is suspended within 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 section 105-96.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect from and after its passage.

ADOPTED this 22 day of October, 2008, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: Peter Lindstrom
Peter Lindstrom, Mayor

ATTEST:

Justin Miller
Justin Miller, City Administrator/Clerk