

ORDINANCE NO. 25-07

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 105 OF THE FALCON HEIGHTS CITY
CODE TO REGARDING RENTAL INSPECTIONS AND THE CRIME FREE HOUSING
PROGRAM**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION I. Section 105-60 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-60 – Amendments

The following sections of the International Property Maintenance Code are amended to read as follows:

Section 101.1 Title

These regulations shall be known as the Property Maintenance Code of the City of Falcon Heights hereinafter referred to as "this Code."

Section 102.3 Application of Other Codes

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and Falcon Heights City Code.

Section 102.7 Referenced Codes and Standards

The codes and standards referenced in this Code shall mean the applicable provision of the Falcon Heights City Code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply unless preempted by or in conflict with the State Building Code.

Section 103.2 Appointment

The City Administrator or the City Administrator's designated agents shall be the code official responsible for the administration and enforcement of this Code. Given limited city resources and local community standards, the City Administrator and other City Code Officials shall have discretion in responding to complaints of violations and prioritizing compliance initiatives and enforcement actions.

Section 103.5 Fees

The fees for activities and services performed by the City in carrying out its responsibilities under this Code shall be adopted by Resolution of the City Council.

Section 106.3 Prosecution of Violation

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any expenses incurred by the City in carrying out the enforcement of the provisions of this Code shall be included as a special assessment against the property.

Section 107.2 Form

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner or responsible party of the right to appeal.
6. Include a statement of the right to impose a special assessment in accordance with Section 106.3.

Section 108.1 General

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be subject to the provisions of this Code.

Section 108.2 Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post the premises and order the structure ~~closed up~~ to be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals so as not to be an attractive nuisance. Upon failure of the owner or responsible party to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private

persons and the cost thereof shall be assessed to the real estate upon which the structure is located.

Section 108.3 Notice

Whenever the code official has determined a structure or equipment is unsafe, a structure is unfit for human occupancy or a structure is unlawful under the provisions of this Article, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or responsible party ~~or the person or persons responsible~~ for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the unsafe equipment. The notice shall be in the form prescribed in Section 107.2.

Section 108.4 Posting

Upon failure of the owner ~~or person responsible~~ or responsible party to comply with the notice provisions within the time given, the code official shall place a posting on the premises or on the defective equipment which shall provide a statement of the penalties for occupying the premises or operating the equipment.

Section 108.4.1 Posting Removal

The code official shall provide written approval and remove the posting whenever the defect or defects upon which the enforcement action and posting were based have been eliminated. It shall be unlawful for any person to deface, obscure or remove a posting without the approval of the code official. Any person who defaces, obscures or removes a posting shall be subject to the penalties provided by this Code.

Section 108.5 Prohibited Occupancy

Any occupied structure posted by the code official shall be vacated as ordered by the code official. Any person who shall occupy posted premises or shall operate posted equipment, and any owner or any person responsible for the premises who shall let anyone occupy a posted premises or operate posted equipment shall be liable for the penalties provided by this Code.

Section 109.6 Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing a written notice of appeal with the Clerk, be afforded an appeal/hearing as described in this Code.

Section 110.3 Failure to Comply

If the owner of a premise fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost thereof assessed to the real estate upon which the structure is located.

Section 111.1 Application for Appeal

Any person directly aggrieved by a notice issued under this Code, may within ten days after service of the same, appeal to the Council by filing a written notice of appeal with the Clerk. In the case of an appeal from a notice issued to vacate pending elimination of imminent dangers, the appeal shall be heard as soon as possible after the time of filing. In the case of appeals from other notices, the appeal shall be heard at such time as may be established by the Council, but the taking of an appeal from a notice other than one to vacate pending the elimination of imminent dangers shall, during the pendency of such appeal, restrain the City and its officers from proceeding in any manner to enforce such notice.

Section 111.2 Decision of the Council

All appeals under this Code shall be heard by the Council. The Council may affirm in whole or in part or deny the existence of a violation of this Code, and if the violation is found to exist, confirm or modify the corrective action to be taken or the order requiring vacation of the premises and the time allowed for it.

Section 111.3 Correction of Violation by City; Assessment of Cost

In all cases of violation of this Code to which M.S. 145A.03 through 145A.09 are applicable, the Sanitarian may proceed as provided in M.S. 145A.03 through 145A.09 to abate or remove the violation and to have the cost of it specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this Code.

Section 112.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

Section 201.3 Terms Defined in Other Codes

Where terms are not defined in this Code and are defined in the Falcon Heights City Code or the Minnesota State Building Code, such terms shall have the meanings ascribed to them as stated in those codes.

Section 304.14 Insect Screens

Except for owner-occupied residential dwellings, during the period from May 15 to October 15 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working

condition.

Section 305.1 General

The interior of a rental structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. The property owner is ultimately responsible for the whole property.

Section 307.1 General

Every exterior and interior flight of stairs shall have handrails on both sides of the stair.

Exception: Stairs having four or more risers and permitted by the Minnesota State Building Code to be less than 44" wide may have handrails on one side. Stairs having less than four risers and permitted by the Minnesota State Building Code to be less than 44" wide are not required to have handrails.

Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Handrails shall not be less than 34 inches (864 mm) high or more than 38 inches (965 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 42 inches (1067 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exceptions:

1. Guards may be not less than 36 inches (914mm) high where permitted by the Minnesota State Building Code.
2. Guards shall not be required where exempted by the adopted building code.

Section 308.4 Multiple Occupancies

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. Whenever infestation exists in two or more dwelling units in a dwelling, extermination of the infested areas shall be the responsibility of the owner and operator.

Section 401.3 Alternative Devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

Section 402.3 Other Spaces

All other spaces shall be provided with natural or artificial light to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. Minimum artificial light shall provide 10 foot candles of light over the room area at a height of 30 inches.

Section 505.1 General. Amended to read:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota State Building Code.

Section 602.2 Residential Occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) at a distance ~~3~~ five (5) feet above floor level in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -15 ° F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 Heat supply

Every owner ~~and operator~~ or responsible party of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~September 15 to May 15~~ October 1 to April 30 to maintain a temperature of not less than 68°F (20°C) at a distance ~~3~~ five (5) feet ~~above floor level~~ above the floor, near the center of the room, and two (2) feet inward from any exterior walls in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature shall be -15 ° F.

Section 602.4 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from ~~September 15 to May 15~~ October 1 to April 30 to maintain a temperature of not less than 65°F (18°C) at a distance ~~3~~ five (5) feet ~~above floor level during the period the spaces are occupied~~ the floor, near the center of the room, and two (2) feet inward

from any exterior walls.

Section 603.1 Air Conditioning Requirements

General Requirements for Landlord-Provided Equipment: Air conditioning equipment provided by the owner or responsible party in rental housing units shall be properly installed, connected, and maintained.

Section 603.2 Temperature Standards During Summer Months

For rental housing units where tenants do not control the central cooling system, the owner or responsible party must ensure that the air conditioning system is capable of maintaining a temperature of no more than 80 degrees Fahrenheit in at least one habitable room within the dwelling unit. This temperature shall be measured at a distance of five (5) feet above the floor, near the center of the room, and two (2) feet inward from any exterior walls.

For rental units where tenants control the cooling system, the owner or responsible party must provide an air conditioning system capable of maintaining a temperature of no more than 80 degrees Fahrenheit under typical conditions in at least one habitable room.

Section 603.3 Seasonal Enforcement

These standards apply from May 1 to September 30 each year, except when temporary shutdown is required for reasonable maintenance or repair purposes. Maintenance should be scheduled to minimize disruption to tenants.

Section 604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the currently adopted National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 605.2 Receptacles

~~Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area and bathroom in a dwelling shall contain at least one receptacle. Any electrical outlet within six feet of a water source or water outlet shall include operable ground fault circuit interrupter protection.~~

Every dwelling unit shall contain receptacle outlets that are in safe working condition installed in accordance of when the unit was built or remodeled in accordance with the National Electrical Code. Damaged or non-functioning receptacles shall be replaced under permit in accordance with the National Electrical Code in effect at the time of replacement.

Section 606.1 General

Elevators, dumbwaiters and escalators shall be maintained in compliance with Minnesota Elevators and Related Devices Code. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Minnesota Elevators and Related Devices Code, except where otherwise specified by the authority having jurisdiction.

Section 702.1 General

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Fire Code.

Section 702.2 Aisles

The required width of aisles in accordance with the Minnesota State Fire Code shall be unobstructed.

Section 702.3 Locked Doors

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

Section 702.4 Emergency Escape Openings

Required emergency escape openings for Group IRC, Groups R and Group I-1 shall comply with Minnesota State Fire Code, ~~Section 1026, Emergency Escape and Rescue.~~ Minnesota Rules Part 7511.1030 and Minnesota Rules Part 7511.1104, subp. 18 Sections 1026 1030 and 1104.26.

Section 704.1 General

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Minnesota State Fire Code.

Section 704.2 Smoke Alarms

~~Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:~~

- ~~1. on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;~~
- ~~2. in each room used for sleeping purposes;~~

3. ~~In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Minnesota State Fire Code.~~

Single or multiple-station smoke alarms shall be installed and maintained in Groups I-1 and Group R occupancies in accordance with 1103.8 of the Minnesota State Fire Code, Minnesota Rules Part 7511.1103, subp. 8, or as required under the Minnesota State Building Code of when it was constructed or remodeled.

SECTION II. Section 105-87 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

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 means the city administrator or ~~his or her~~ their designees.

Fire Code official means the appointed official by the city administrator as ~~his or her~~ their designee for the purpose of enforcing the Minnesota State Fire Code and City Codes related to rental and business license inspections. The fire code official and ~~his or her~~ their designees shall be competent by virtue of certification as a fire inspector, training, or experience in fire prevention inspections and enforcement.

Fire Marshal, see Fire Code official

Owner. The person, firm, corporation or other entity listed in the records on file in the recorder's office as holding fee title to the building. For purposes of notice only, "owner" includes the owner's authorized agent or other person in control of the premises.

Property manager or responsible party. An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance and repairs relating to applicable safety codes.

Operate means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling/multifamily rental dwelling.

Rental dwelling means any single-family dwelling, accessory dwelling unit, duplex dwelling or triplex dwelling, which is rented for more than ~~four consecutive months~~ thirty (30) consecutive days in any calendar year. Rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

Multifamily rental dwelling means any building or portion thereof, including the real

property upon which it is located and which surrounds it, that contains four or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out. Multifamily rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

SECTION III. Section 105-88 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-88 - License required

No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling or multifamily rental dwelling in the city without first obtaining a license. The license is issued annually and is valid until the date of expiration. Changes that result in a 25% change in ownership of a property requires a new license. The new owner(s) must submit an application for a new license within thirty calendar days of acquiring the property. Property owners that are listed on a stock exchange are exempt from ~~section 105-88~~ section 105-88 the requirements to obtain a new license due to ownership change.

SECTION IV. Section 105-93 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-93 – Furnish License

Every registrant of a rental dwelling/multifamily rental dwelling shall be given a copy of the license. The license shall contain a statement that the tenant or tenants may contact the Office of the Minnesota attorney ~~Attorney general~~ 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 Office of the Minnesota attorney ~~Attorney general~~ General.

SECTION V. Section 105-94 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-94 – City Inspections

- (a) Rental dwellings shall be inspected by the ~~compliance official~~ fire marshal in their entirety every 24 months. An application and payment is required annually on a continuous basis. Rental dwellings ~~that fail~~ that receive a correction notice after their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. ~~Rental dwellings that fail multiple re-inspections their first inspection will be subjected to an inspection the subsequent year.~~

- (b) Multifamily rental dwellings shall be inspected by the ~~compliance official~~ fire marshal every 24 months. An inspection will be made of the common areas of the property and the ~~compliance official~~ fire marshal shall have the authority to enter, at all reasonable times, any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge. An application and payment is required annually on a continuous basis. Multifamily rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. ~~Multifamily rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.~~
- (c) Pursuant to this section, the ~~fire marshal~~ compliance official shall make inspections to determine the condition of rental dwellings/multifamily rental dwellings located within the city for the purpose of enforcing the rental licensing standards ~~The compliance official or designated representative~~ and may enter, examine and survey at all reasonable times all rental dwellings/multifamily rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an owner or ~~his or her~~ their occupant of the premises does not consent to entry by the ~~compliance official or designate representative~~ fire marshal, 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. ~~If any owner or occupant fails or refuses to permit entry to a rental dwelling under its control for an inspection pursuant to this article, the compliance official or designated representative~~ The fire marshal may pursue any remedy at law or under the city code, including, but not limited to, securing an administrative search warrant for the rental dwelling, denying the issuance of a rental license, revoking or suspending a rental license, or denying a renewal license.
- (d) ~~The city may, upon receipt of a creditable third party complaint or a complaint by residents with reasonable concerns, require an inspection of rental dwellings/multifamily rental dwellings. A complaint-based inspection may require individual dwelling units to be inspected. The license application fee shall cover an initial inspection of the property and up to one recheck in the event that correction notices are issued during the initial inspection. If the compliance official fire marshal determines code violations still exist and a second/further inspection(s) is/are needed by them, then a fee will be charged for each subsequent re-inspection occurring after the due date for compliance with an order, as published in and according to the City's current adopted fee schedule.~~
- (e) ~~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. The compliance official or their designee may waive a re-inspection fee in case of error, mistake, injustice, or other good cause.~~
- (f) Either the owner/owner's representative/occupant must be present during the inspection and must permit free access and entry for inspection purposes.

- (g) Should an owner, their duly authorized representative, or occupant fail to keep appear for a scheduled inspection without reasonable cause or refuse to permit entry to the rental dwelling, causing the fire marshal to return at another time, a re-inspection fee may be charged.
- (h) The city, after receiving a complaint, or at the discretion of the City Administrator, upon receipt of a creditable third-party complaint or a complaint by residents with reasonable concerns, may require an inspection of rental dwellings/multifamily rental dwellings. A complaint-based inspection which may require individual dwelling units to be inspected.
- (i) The owner's A 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.

SECTION VI. Section 105-95 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-95 - Maintenance standards

- (a) Every rental dwelling/multifamily 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.
- (b) Any code violation noted by the city must be remedied in a timely fashion by the ~~property~~ owner or responsible party and reinspected for compliance by the city.

SECTION VII. Section 105-96 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-96 – Crime free/~~criminal activity lease requirements~~ housing program

- (a) Purpose. The purpose of the crime free housing program is to mitigate the burden of repeated instances of disorderly conduct and criminal activity in rental properties on law enforcement resources and public safety and welfare. The city council finds that landlords are best positioned to address this activity before it escalates to warrant law enforcement intervention. The city council also finds that putting conditions on the use of disorderly conduct and criminal activity in housing determinations will protect and encourage individuals seeking legitimate law enforcement support to seek assistance without fear of housing retaliation.
- (b) Program Overview.
 - (1) An owner, agent, or property manager of rental dwelling(s) in the city is

encouraged, but not required, to conduct a criminal background check of all prospective tenants eighteen (18) years and older. If an owner, agent, or property manager chooses to conduct a criminal background check, they must do so in compliance with this Section.

- (2) Owners, agents, or property managers must comply with the following requirements prior to conducting any criminal background checks on prospective tenants or enforcing the crime-free/drug-free lease provisions provided in this Section:
 - a. Attend an eight-hour crime free housing course certified by the Minnesota Crime Prevention Association and offered either by the city or another municipality in the State of Minnesota, which course must include training on compliance with the Fair Housing Act. The rental dwelling licensee is responsible for the cost of training. Proof of completion must be provided to the city compliance official before a license may conduct criminal background checks. Failure to provide proof of completion of a training within two (2) years before conducting criminal background checks may result in revocation, suspension, nonrenewal, or nonissuance of a license;
 - b. Use a written lease that contains the crime-free/drug-free lease provisions in this Section; and
 - c. Actively pursue the eviction of tenants or termination of the lease for tenants who violate the terms of the lease and/or the crime-free/drug-free lease provisions. Nothing in this Section restricts rental dwelling licensees from entering into leases with applicants possessing a criminal history, except as noted in Section 105-96(f)(3)(e).
- (c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them here, except where the context clearly indicates a different meaning:
 - (1) Criminal activity means conviction of a misdemeanor or higher for any of the following offenses:
 - a. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
 - b. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and related acts;
 - c. Minn. Stat. § 243.166 relating to violation of the state's predatory offender registration requirement, provided that a individual has not committed criminal activity simply because they are required to register and properly do register;
 - d. Minn. Stat. § 340A.401, which prohibits the unlawful sale of alcoholic beverages;

- e. Minn. Stat. § 340A.503, subd. 1(2), which prohibits the underage use of alcoholic beverages except within the household of and with the permission of the underage individual's parent or guardian, and provided there is no violation of Chapter 30, Article II of the Falcon Heights City Code, the City's Social Hosts ordinances;
- f. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
- g. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter, unless an individual was acting in self-defense or in defense of others;
- h. Minn. Stats. §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault, unless an individual was acting in self-defense or in defense of others;
- i. Minn. Stat. § 609.226 relating to great or substantial bodily harm caused by dangerous dogs and the negligent confinement of dangerous dogs;
- j. Minn. Stat. § 609.255 which prohibits false imprisonment;
- k. Minn. Stat. § 609.25 which prohibits kidnapping;
- l. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
- m. Minn. Stat. § 609.50 which prohibits interference with a peace officer, firefighter, or member of an ambulance service in the performance of their official duties;
- n. Minn. Stat. § 609.52 which prohibits theft, as long as the acts constituting theft occur in a dwelling unit;
- o. Minn. Stat. § 609.53 which prohibits receiving stolen property, but only if the value of the property is no less than \$1,000 such that the underlying theft would qualify as a felony;
- p. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
- q. Minn. Stat. § 609.582 which prohibits burglary, but which shall not apply to acts that could also be considered shoplifting;
- r. Minn. Stat. § 609.595 which prohibits damage to property;
- s. Minn. Stat. § 609.71 which prohibits riot;

- t. Minn. Stat. § 609.713 which prohibits threatening to commit a violent crime with the intent to terrorize another or to cause the evacuation of a building;
- u. Minn. Stat. § 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 nearby premises, other than the unit occupied by the person(s) committing the violation;
- v. Minn. Stat. § 609.78 which prohibits intentional interference with “911” phone calls;
- w. Minn. Stat. § 609.903 which prohibits racketeering; and
- x. Section 30-3 of the Falcon Heights City Code which prohibits the discharge of a firearm, unless the individual was acting in self-defense or in defense of others.

(2) It shall not be considered criminal activity for an individual to seek emergency assistance on their own behalf or on behalf of another, including through making an “emergency call” as defined by Minn. Stat. § 609.78. “Emergency assistance” that is not considered criminal activity includes the following situations:

- a. Any individual who seeks emergency assistance as or on behalf of a victim of criminal activity, including but not limited to domestic abuse as defined in Minn. Stat. § 518B.01, subd. 2;
- b. Any individual who seeks emergency assistance for their own or another’s mental health, disability-related, or substance abuse issues; and
- c. Any individual seeking emergency assistance who is not a health care professional and acts in good faith in administering an opiate antagonist to another person whom the person believes in good faith to be suffering a drug overdose.

(3) Drug-related criminal activity means conviction of a misdemeanor or higher for illegal possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distributed a “controlled substance” as defined in Minnesota Statutes, Section 152.01, subdivision 4, in violation of Minn. Stat. §§ 152.01 through 152.025, and 152.027, subd. 1-2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802.

(d) *Prospective Tenant Background Check Procedure.*

(1) All licensees must provide a written copy of the following two-step criminal background check policy in a format provided by the city, to any prospective tenants before accepting an application or application fee.

- (2) Step One: Limited criminal background screening. A licensee may conduct a limited criminal background screening either for the applicant or for all individuals age eighteen (18) and older who will reside in the rental dwelling. A licensee's choice to screen either the applicant or all individuals age eighteen (18) and older must be applied consistently for all rental applications. The limited background screening will consider only:
1. Criminal activity within the thirty-six (36) months prior to the anticipated start-date of the lease;
 2. Drug-related criminal activity within thirty-six (36) months prior to the anticipated start-date of the lease;
- (3) Step Two: Individual assessment. If an individual is identified as having criminal activity or drug-related criminal activity within the last thirty-six (36) months through the limited criminal background screening, the licensee shall provide an individual assessment of the individual's current situation. The purpose of this assessment is to determine whether the individual is able to fulfill the obligations of tenancy at the property.
- a. The licensee will send a written notice to each applicant for whom the applicant or a prospective tenant is identified as having activity covered by the limited criminal background screening. The notice shall inform the applicant of the covered criminal conduct identified and invite the applicant an opportunity to provide additional information within ten (10) days of receipt of the written notice.
 - b. An applicant may respond to the notice with a description of the reasons why the covered criminal conduct should not disqualify their application for rental housing, such as rehabilitation efforts or responsible conduct by the applicant or individual with the criminal conduct history. The applicant may include supporting documentation such as letters from parole officers, case workers, counselors, family members, or community organizations.
 - c. Based on the information received from the applicant and the limited criminal background screening, the licensee will conduct an individual assessment of the individual's risk to the safety and welfare of the property's current tenants, employees, or visitors within twenty (20) days after receipt of an applicant's response to a notice of covered conduct. All individual assessments must be conducted consistently across applicants for all rental dwelling units of the licensee. The licensee shall consider only the following factors in determining whether to approve or reject the application:
 1. The facts or circumstances surrounding the covered conduct;
 2. The age of the applicant at the time of occurrence of the covered

conduct;

3. Evidence of good tenant or employment history before or after the occurrence of the covered conduct;
4. Evidence of rehabilitation efforts;
5. The time that has elapsed since the occurrence of the conduct;
6. Any information about the applicant that indicates good conduct since the covered conduct occurred;
7. Whether the covered conduct arose from the individual's status as a survivor of domestic violence, sexual assault, stalking, or dating violence;
8. Whether the covered conduct arose from an individual's disability, including mental illness and substance abuse; and
9. Any other information related to whether the individual's specific covered conduct creates the potential that the property's current tenants, employees, or visitors will be exposed to a heightened risk of criminal activity or drug-related criminal activity.

d. If an applicant does not provide information to the licensee within ten (10) days of receipt of the notice of covered conduct, the licensee will assess the applicant under the factors in Section 105-96(d)(3)(c) based on the information available to the licensee, including information received from credit screenings and the limited criminal background screening.

e. In no event may a licensee take action against any tenant that would constitute a violation of Minn. Stat. § 504B.225, or that would penalize an individual who sought emergency assistance that is not considered criminal activity under this section.

f. If a licensee decides to reject an application following an individual assessment, then the licensee shall send to the applicant a written notice outlining the reasons for rejecting the application on the date of the decision to reject.

(e) Crime-free/drug-free lease provisions. All licensees desiring to use criminal background checks during the rental housing application process or the term of any lease shall include the following provisions in all new and renewed leases, in addition to all other terms of the lease, using contractually and legally equivalent language:

- (1) Tenant, any members of tenant's household or any individual under tenant's control shall not engage in drug-related criminal activity on the rental

premises, as defined in Falcon Heights City Code Section 105-96(c).

- (2) Tenant, any members of tenant's household or any individual under tenant's control shall not permit the rental premises to be used for, or to facilitate drug-related activity.
 - (3) Tenant, any member of tenant's household or any individual under tenant's control shall not engage in conduct which would constitute a crime of violence, as defined in Minn. Stat. § 624.712, subd. 5, except for offenses falling under Minn. Stat. Ch. 152, regardless of whether a charge or conviction is obtained.
 - (4) Tenant, any members of tenant's household or any individual under tenant's control shall not engage in criminal activity on the rental premises, as defined in the Falcon Heights City Code Section 105-96(c).
 - (5) Three instances of a violation of any of the above provisions within a continuous 36-month period shall be a substantial and material violation of the lease and good cause for termination of tenancy. One instance of criminal activity or crime of violence that jeopardizes the health, safety, and welfare of any individual lawfully on the premises, or involving imminent or actual serious property damage on the premises, shall be a substantial and material violation of the lease and good cause for termination of tenancy.
 - (6) Tenant shall have the right to contest any determination that they have violated the above provisions by following the procedure outlined in the Falcon Heights City Code Section 105-96(f).
 - (7) In no event may Landlord take action against Tenant that would constitute a violation of Minn. Stat. § 504B.225, or that would penalize an individual who sought emergency assistance as defined in Falcon Heights City Code Section 105-96(c)(2).
 - (8) The above provisions are in addition to all other terms of the lease and do not limit or replace any other provisions or limit a tenant's rights or remedies under the terms of this lease or other applicable law. If any portion of these provisions is found to be invalid or unenforceable by a court of competent jurisdiction, that portion shall be severed and the remaining provisions remain in effect.
- (f) Procedure for violations of crime-free/drug-free lease provisions. The following procedures shall govern the enforcement of crime-free/drug-free lease provisions:
- (1) First violation.
 - a. If the licensee determines for the first time by a preponderance of the evidence that there has been a violation of the crime-free/drug-free lease provisions for a particular tenancy, the licensee shall make all reasonable

efforts to provide the tenant with written notice of the violation. Licensee shall also provide a copy of this notice to the city.

- b. The tenant may appeal the licensee's determination within ten (10) days of receipt of the notice by providing a written explanation and any evidence demonstrating why the violation does not constitute a substantial and material violation of the crime-free/drug-free lease provisions. Tenant shall send their appeal to the licensee and provide a copy to the city.
- c. The licensee shall evaluate a tenant's appeal using the factors outlined in Section 105-96(d)(3)(c). The licensee must provide the tenant and the city with a written final determination on the appeal no later than twenty (20) days after receipt of tenant's appeal.

(2) Second violation.

- a. If the licensee determines by a preponderance of the evidence that there has been a second violation of the crime-free/drug-free lease provisions within a continuous 24-month period for a particular tenancy, the licensee shall make all reasonable efforts to provide tenant with written notice of this second violation. Licensee shall also provide a copy of this notice to the city.
- b. The tenant may appeal the licensee's determination following the same procedure as a first violation. A licensee shall evaluate a tenant's appeal and provide a written final determination following the same procedure as a first violation.
- c. If a second violation is not appealed or the appeal affirms the finding of a violation, the landlord and tenant must confer within fourteen (14) days of the final determination to develop an action plan to mitigate further violations. Such action plan must be submitted to the city within seven (7) days of the meeting for approval as appropriate for mitigating further violations and fairly balancing the interests of the tenant and landlord.

(3) Third violation.

- a. If the licensee determines by a preponderance of the evidence that there has been a third violation of the crime-free/drug-free lease provisions within a continuous 24-month period for a particular tenancy, the licensee shall make all reasonable efforts to provide tenant with a written notice of this third violation and that the landlord will proceed with terminating the tenancy and/or evicting those individuals who are in violation if the tenant does not appeal within ten (10) days of receipt of the notice. Licensee shall also provide a copy of this notice to the city.
- b. The tenant may appeal the licensee's determination directly to the Appeals Body, consisting of the compliance official and two members of City

Council, by providing the compliance official and licensee written notice of appeal within ten (10) days of receipt of the licensee's notice of a violation. Upon filing an appeal, a licensee may take no action against a tenant or the individuals in violation while the appeal remains pending, except where such stay of action would cause imminent peril to life, health, or property.

- c. The Appeals Body will hear the tenant's appeal at the next regularly scheduled public meeting that is at least five (5) days subsequent to receipt of the appeal. The tenant has the right to present evidence, testimony, and arguments at such hearing. The licensee also has the right to present evidence and arguments at such hearing, including regarding the licensee's compliance with any applicable action plan.
 - d. The Appeals Body shall make a determination on the tenant's appeal within 20 days of the appeal hearing. The Appeals Body may reverse, modify, or affirm, in whole or in part, a finding of a violation and direct the licensee to evict the tenant, if applicable, and/or take any other appropriate action, including but not limited to mitigation measures to deter future criminal activity. The Appeals Body shall consider the factors outlined in Section 105-96(d)(3)(c), whether the individual failed to comply with any applicable action plan, and whether the individual in violation still poses a risk to the health, safety, and welfare of any individuals on the premises.
 - e. If an individual is evicted or their lease terminated under this section, a licensee shall not enter into a new lease with the evicted individual for a period of twelve (12) months after the eviction or lease termination at any of licensee's rental dwelling units in the City.
 - f. Additionally, if the Appeals Body finds that a licensee failed to comply with their responsibilities under an action plan that addressed mitigation measures for the particular prohibited activity or location where the prohibited activity occurred, regardless of the tenant's compliance with such plan, the licensee is in violation of this Section and their license may be revoked, suspended, or not renewed. Nothing in this section prevents the City Council Appeals Body from permitting the compliance official to establish an action plan with the licensee to remedy the violation in lieu of revocation, suspension, or nonrenewal of the license, provided that such remedies may be reinstated upon noncompliance with the action plan.
- (4) In no event may a licensee take action against any tenant that would constitute a violation of Minn. Stat. § 504B.225, or that would penalize an individual who sought emergency assistance as defined in this section. Licensees who have knowledge that a violation of the crime-free/drug-free lease provisions constitutes an instance of an individual seeking emergency assistance shall not make a determination that the violation constitutes a substantial and material violation of the lease.

- (5) Enforcement of the crime-free/drug-free provisions provided in this section shall not be exclusive, and the City may take any action with respect to a licensee or individual on the licensed premises as is authorized by this Code or state or federal law.
- (g) Form of Notices. The compliance official shall maintain template notices for all notices that a licensee is required to provide under this section. All notices a licensee is required to provide under this section shall contain substantially the same form and language as the template notices.
- (h) Record-keeping.
- (1) Licensee shall retain for three (3) years after receipt of an application for rental housing the following records: all rental applications, criminal background screening records, communications between landlords and applicants relating to criminal background screening, and any rental determination made, including the basis for that determination, to the extent allowed by state and federal law.
- (2) Licensee shall retain a copy of each lease for three (3) years after the expiration of the lease term or renewed lease term.
- (3) Licensee shall retain a copy of all records related to enforcement of the crime-free/drug-free lease provisions for three (3) years after a final determination in the enforcement action.
- (4) Licensee shall provide any of these records to the city upon request.
- (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 12-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. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
 - 2. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 - 3. Minn. Stats. § 340A.401, which prohibit the unlawful sale of alcoholic beverages;
 - 4. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
 - 5. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
 - 6. Minn. Stats. §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;
 - 7. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
 - 8. Minn. Stats. §§ 609.52 which prohibit theft;
 - 9. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
 - 10. Minn. Stats. § 609.582 which prohibit burglary;
 - 11. Minn. Stats. § 609.595 which prohibit damage to property;
 - 12. Chapter 22, article III of this Code, which prohibits nuisances;
 - 13. Minn. Stats. § 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 Minn. Stats. §§ 152.01 through 152.025, and 152.027, subds. 1 and 2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802).

(5) 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:

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

b. 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 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.

c. 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.

d. If a second criminal activity violation occurs within a continuous 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 days of receipt of the notice with an action plan to prevent further criminal activity violations.

e. If a third criminal activity violation occurs within a continuous 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 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.

f. 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.~~

SECTION VIII. Section 105-97 of the City Code of Falcon Heights, Minnesota is hereby amended to read as follows (additions are underlined and deletions are shown with strikethrough):

Sec. 105-97 – Revocation, suspension, and civil fines.

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this article shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant rental unit, or any units that become vacant during license injunction.
- (b) *Basis for sanctions.* The compliance official may revoke, suspend, deny or decline to renew any license issued under this article for part or all of a rental dwelling/multifamily rental dwelling upon any of the following grounds:
 - (1) *Leasing without a license.* Leasing residential units without a license is subject to license suspension or revocation;
 - (2) *Violation of codes.* Violation of the city maintenance code, building code, or fire code;
 - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
 - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or manager;
 - (5) *Crime free housing.* Violation of the crime free housing provisions of the city code or failure to actively pursue eviction of tenants in accordance with those provisions;
 - (5) (6) *Consideration of suspension or revocation.* At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;
 - (6) (7) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;

- ~~(7)~~ (8) *False statements.* False statements on any application or other information or report required by this article to be given by the applicant or licensee;
- ~~(8)~~ (9) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
- ~~(9)~~ (10) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;
- ~~(10)~~ (11) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection of a rental dwelling/multifamily rental dwelling;
- ~~(11)~~ (12) *Violation of statute.* Violation of an owner's duties under Minn. Stats. §§ 299C.66 to 299C.71 ("Kari Koskinen Manager Background Check Act");
- ~~(12)~~ (13) *Delinquent taxes or fines.* Real estate or personal property taxes or municipal utilities have become delinquent or have unpaid fines.
- (14) *Violation of other applicable law.* Violation of the Fair Housing Act, Violence Against Women Act, American with Disabilities Act, and any other applicable federal, state, or local law.

(c) *Penalties.*

- (1) *Revocation.* Any violation of this article may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this article or Minnesota statutes. All fines are cumulative and revocation periods will run consecutively.
- (2) *Violation.* Any person that maintains a rental dwelling/multifamily rental dwelling without having a property registered or after the registration for the property has been revoked or suspended or who permits new occupancy in violation is guilty of a misdemeanor and upon conviction is subject to a fine and imprisonment as prescribed by state law.
 - a. *First violation:* Compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - b. *Second violation:* If a second violation occurs within 60 days of a first violation the compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - c. *Third or more violation:* If another instance of violations occurs within 60 days of the calendar year compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations. If a fourth or subsequent violation occurs, suspension of the license will be pending until a hearing.
- (3) *Suspension.* The city council may temporarily suspend a license pending a

hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.

- (4) *Civil fines.* The city council may impose civil fines in addition to revocation or suspension for violations of any provision of this article as follows:

Within One Calendar Year	Fine Per Unit/Common Building
First Violation	\$300.00
Second Violation	600.00
Third or more within a 12-month period	900.00
Renting without a license after 30 days' notice shall be subject to \$1,000.00 fine per unit and also be a misdemeanor offense	

- (5) *Enforcement and Penalties.* Violations of Section 603, the air conditioning maintenance standards, may result in fines of up to \$500 per unit per incident, or occurrence, and the owner or responsible party may be required to make necessary repairs within a specified timeframe to ensure compliance. Per incident or occurrence means from the time the fire marshal confirms the violation until it has been abated.

SECTION IX. Effective date. This ordinance is effective immediately upon its passage and publication.

ADOPTED this 10th day of December 2025, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: 
Randall C. Gustafson, Mayor

ATTEST:


Jack Linehan, City Administrator