

Falcon Heights City Council Workshop

**City Hall
2077 W. Larpenteur Ave
Falcon Heights MN 55113**

Workshop Agenda
June 4, 2008
6:30 p.m.

1. City Slogan Contest
2. Rental Licensing Introduction
3. 2008/09 City Council Goals

WKSP 1
6/4/08

TO: Mayor Lindstrom, Council members Harris, Kuettel, Long, and Mercer-Taylor
FROM: Justin Miller, City Administrator
Re: City Slogan Contest

Explanation:

Unofficially, the City of Falcon Heights slogan is "The Fair City." The tie-in, of course, is that the Minnesota State Fairgrounds is located in our city. However, there have been proposals to craft a new slogan that more accurately identifies and differentiates our city.

Earlier this spring, Mayor Lindstrom and I met with Falcon Heights Elementary Principal Paul Charest about the idea of having another joint city council-student meeting. One possible agenda item for this meeting would be to adopt the new city slogan.

A tentative schedule for the process could include:

June-July	Solicit ideas from the community
August	City Council selects 3-5 finalists for joint meeting discussion
September	Students vote on their favorite
October	City Council formally approves final slogan (the city council would always retain the right to make the final decision)

Requested Action:

Once a process is agreed upon, staff can begin to publicize the contest and solicit slogan ideas. We will also work with school officials throughout the summer to finalize details of the joint city council-student meeting.

TO: Mayor Lindstrom, Council members Harris, Kuettel, Long, and Mercer-Taylor

FROM: Justin Miller, City Administrator

ITEM: Rental Licensing Introduction

Explanation:

One of the city council goals for this year is to investigate the possibility of implementing a rental licensing program. The reasons expressed for looking into such a program include:

- Proactively addressing the impacts of single-family homes being converted into rental properties.
- Maintaining our high quality housing stock (as highlighted during comprehensive plan neighborhood meetings).
- Preserving life-safety mechanisms in rental properties, such as adequate egress windows, smoke and carbon monoxide detectors, etc.

Numerous cities across the metropolitan area have already implemented such plans. With the recent downturn in the housing market, many others are going through the process anticipating that more single-family homes may be converted into rental properties. Attached to this report are programs from Roseville, St. Louis Park, Burnsville, Chanhassen, and Plymouth.

If the City of Falcon Heights wishes to pursue a program such as this, the first need would be to discuss what issues are important to address. Thoughts to consider include:

- Should only single-family homes be regulated? What about duplexes, tri-plexes, or quads?
- Shall the city implement a "conversion" fee if a single family house is turned to rental?
- What about apartment buildings? Do we want to license all of them or only those of a certain age or number of units?
- What kind of inspections should be conducted? Fire, property maintenance, others?
- How frequent should the inspections occur, or how long should a license be good for?
- Should the number of police calls to a specific unit be taken into account? (similar to a "three strikes" rule)
- What type of fees should be considered? If larger apartment buildings are licensed, should they be charged on a per-unit fee or per building?
- How would inspections be conducted (use our current inspection contract or find another outside agency)?
- How proactive should staff be in identifying which properties are rental?

All of these questions are merely conversation starters, and the extent to which the council wishes the program to exist will drive factors such as staff time required and ongoing budget amounts.

Requested Action: No formal action is requested at this time. Staff is seeking guidance from the city council, which will allow staff to work with legal counsel to draft a program for council consideration at a later date.

Sec. 8-326. License required.

(a) The owner of a residential building or portion thereof operated as rental housing with one or more dwelling units must obtain a rental housing 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.

(b) The term "rental housing" means any occupied dwelling or dwelling unit that is not owner occupied. The term includes any dwelling or dwelling unit occupied by a relative of the owner.

(c) Exceptions. No license shall be required under the following circumstances:

- (1) A single family dwelling or single dwelling unit of a duplex occupied by the building owner for a minimum of six months per calendar year.
- (2) Rented rooms within an owner occupied dwelling unit.
- (3) Rented dwelling units that are part of a condominium or townhouse association.

(Ord. No. 2181-00, § 4(16-309A.), 11-6-2000, Ord. No. 2282-04, 11-15-2004, Ord. No. 2334-07, 08-10-2007)

Sec. 8-327. Required Application Information.

The owner must identify a designated property manager responsible for operation and maintenance of each licensed property. Contact information for the owner and property manager must be provided on the license application, and the owner must provide the city with any changes occurring within the license period. The owner may be the designated property manager. The owner must submit verification with the license application that the designated property manager has attended required training as specified in this section and that the Crime Free/Drug Free and Disorderly Use language required by this section is contained in the licensed property tenant lease or leases.

(Ord. No. 2334-07, 08-10-2007)

Sec. 8-328. Crime Free/Drug Free Training.

The owner or property manager must have attended an approved training program in *The Minnesota Crime Free Multi-Housing Program* before any rental license is issued. A Provisional License may be issued for six months to accommodate the training schedule. An owner whose only rental housing is a single family dwelling homesteaded by a relative is exempted from the training program.

(Ord. No. 2334-07, 08-10-2007)

Sec. 8-329. Maintenance.

The owner of rental housing must maintain all units, common space and exteriors of such buildings in compliance with the City Code and state and federal laws and regulations. The owner of such rental housing shall perform a periodic assessment of all portions of the building and correct any inadequacies to ensure the building is maintained in good repair.

(Ord. No. 2334-07, 08-10-2007)

Sec. 8-330. City Inspections.

(a) The owner of rental housing shall permit access by the City to perform a minimum of one inspection every two years of the common space and every dwelling unit. The City may perform or require additional inspections if deemed necessary by the City or by the request of a tenant. The owner shall notify the tenant or tenants of the time when the City inspection will be conducted and provide access to the units.

(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 6, article V of this Code or otherwise failing to comply with the requirements of the City Code or applicable state or federal law.

(Ord. No. 2334-07, 08-10-2007)

Sec. 8-331. Crime Free/Drug Free and Disorderly Use 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/Drug Free and Disorderly Use language:

(1) Crime Free/Drug Free.

1. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in criminal activity, including drug-related criminal activity, on or near the premises.
2. 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 criminal activity, including drug-related criminal activity, on or near the premises.
3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. 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.
5. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.

(2) Disorderly Use.

1. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in the following Disorderly Use activities: violations of state law relating to alcoholic beverages, trespassing or disorderly conduct; and violation of the St. Louis Park City Code relating to prohibited noise.
2. THREE DISORDERLY USE 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.

(3) Definitions.

1. The term "criminal activity" means prostitution, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful discharge of firearms, or any other criminal activity on or near the premises that jeopardizes the health, safety and welfare of the landlord, his agent, other resident, neighbor or other third party, or involving imminent or actual serious property damage.
2. 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 (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).

(4) **Non-Exclusive Remedies.** The Crime Free/Drug Free and Disorderly Use 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, 2008 and all renewed leases by January 1, 2009.

(c) Upon determination by the Police Department that a licensed premises or unit within a licensed premises was used in violation of the Crime Free/Drug Free provisions of Subsection (a) (1) herein, the Police Department 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/Drug Free 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 Police Department that a licensed premises or unit within a licensed premises was used for Disorderly Use activities as set forth in Subsection (a)(2) herein, the Police Department 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 Disorderly Use violations.

(e) If a second Disorderly Use violation as determined by the Police Department occurs within a continuous twelve month period involving the same tenancy, the Police Department 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 Disorderly Use violations.

(f) If a third Disorderly Use violation as determined by the Police Department occurs within a continuous twelve month period involving the same tenancy, the Police Department 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 Notice of Disorderly Use violation of the Crime Free/Drug Free 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/Drug Free 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.

(Ord. No. 2334-07, 08-10-2007)

Supp No. 15 (12-07)
§ 8-332

8:33.2

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Sec. 8-332. Administrative License Violation Fee.

An owner failing to proceed with an action to terminate the tenancy after Police Department notification in accordance with a Crime Free/Drug Free violation or the third Disorderly Use violation shall pay an administrative license violation fee of \$750.00 for each calendar month that the owner fails to proceed. Any outstanding fees must be paid prior to the city renewing a rental license for the licensed premises.
(Ord. No. 2334-07, 08-10-2007)

*Subdivision IX. Sexually-Oriented Businesses**

Sec. 8-346. Purpose and intent.

(a) The purpose of this subdivision is to regulate sexually-oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, to prevent criminal activity, to guard against the inception and transmission of disease, and to establish reasonable and uniform regulations. The provisions of this subdivision have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of this subdivision to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to the intended market of such entertainment.

(b) The city council finds that experience from other cities demonstrates that sexually-oriented businesses conducted in private by members of the same or the opposite sex and employing personnel with no specialized training are susceptible to operation in a manner contravening, subverting or endangering the health, safety and welfare of members of the community by being the sites of acts of prostitution, illicit sex and occasions of violent crimes, thus requiring close inspection, licensing and regulation of such sexually-oriented businesses.
(Ord. No. 2181-00, § 4(16-310A.), 11-6-2000)

*Cross reference(s)--Zoning, ch. 36.

Sec. 8-347. Prohibition.

No person shall operate a sexually-oriented business except in conformity with the provisions of this subdivision.
(Ord. No. 2181-00, § 4(16-310B.), 11-6-2000)

Sec. 8-348. Exceptions.

The following are not subject to the requirements of this subdivision:


- (1) Any material with significant literary content or social commentary.
- (2) A business where sexually-oriented materials are sold, bartered, distributed, leased, furnished or otherwise provided for off-site use or entertainment, if:
 - a. The material harmful to minors on each item is blocked from view by an opaque cover as required by M.S.A. § 617.293; and
 - b. Each item is behind the counter and accessible only by an employee of the business.
- (3) Any person or organization exempt by M.S.A. § 617.295.
- (4) Any activity regulated by M.S.A. § 617.251.
- (5) Displaying works of art showing specified anatomical areas as long as no sexually-oriented materials are for sale, and the business does not have a liquor license.

Supp No. 15 (12-07)

8:34
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§ 8-350

- (6) Movies which are rated G, PG, PG-13 or R.



CHAPTER 28
RENTAL LICENSING

3-28-1: PURPOSE:

The city council has concluded that the regulation of the rental practices of single-family and multi-tenant residential dwelling units through licensing will thereby promote the health, safety and welfare of the residents of the city, particularly those residents who live in rental properties and neighborhoods surrounding them. The purpose of the property licensing code is to establish minimum standards, and procedures for their enforcement consistent with the right to personal privacy, for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of all rental buildings and properties within the city. The city intends that the property licensing code be an integral part of the city's program of health, safety, building, and land use regulations. (Ord. 1002, 11-21-2005)

3-28-2: INTERPRETATION:

This code is to be construed liberally in conjunction with the provisions of the city code to give effect to the policy, purpose, and objectives of this chapter, but is not to be construed to modify, amend or otherwise alter the provisions of the city code relating to health, safety, building or land use regulation. It is not the intention of the city to intrude upon the fair accepted contractual relationship between tenant and landlord. The city does not intend to intervene as an advocate of either party, or to act as an arbiter. It is determined that certain conditions within existing buildings, lawful at the time of construction of the building, and not creating a hazardous condition, may not comply with the minimum requirements of this code. Such conditions are referred to as "built in deficiencies", and the code official, in administering this code, may consider built in deficiencies as being beyond reasonable correction and accept them as an alternate method of meeting the intent of the code. (Ord. 1002, 11-21-2005)

3-28-3: DEFINITIONS:

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

ADULT: A person eighteen (18) years of age or older.

APPLICANT: A "person" as defined herein, who completes or signs an application for a license to rent real estate individually or on behalf of a business.

ASSISTED LIVING: Assisted living facilities licensed by the state of Minnesota.

BUSINESS: The business of leasing properties for home occupation purposes.

LICENSE HOLDER: The owner of the property licensed to lease to residents.

MANAGER: An individual who is hired or is applying to be hired by a licensee and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. "Manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the licensee.

MULTI-FAMILY RENTAL DWELLING: A residential building consisting of more than four (4) units under common ownership.

PERSON: One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or any other business organization.

PROPERTY OWNER: The owner of real estate.

RESIDENTIAL BUILDING: A structure designed and used for residential rather than commercial or industrial purposes.

SINGLE-FAMILY RENTAL DWELLING: A residential building consisting of four (4) units or less under common ownership.

TENANT: The lessee of a unit within a residential building. (Ord. 1002, 11-21-2005)

3-28-4: LICENSE REQUIRED:

No person shall lease any unit upon real property for residential purposes any place in the city without first obtaining a license and paying a license fee. Licenses are required for each unit of a building.

- (A) Application: An application for a license to lease real property shall be made on a form provided by the city. The application shall include, but is not limited to, requiring the full name of the applicant, the applicant's business address, e-mail address, and telephone numbers, the name of the proposed license holder, the location for which the license is sought. The completed application along with the application fee shall be submitted to the city manager or designee for review. If the city manager or designee determines that an application is incomplete, he or she shall return the application to the applicant with notice of the deficiencies.
- (B) Action: The city council or its designee may either approve or deny the license, or may delay action for up to sixty (60) days to permit the city to complete any investigation of the application or the applicant deemed necessary. If the city council or designee approves the license, a license shall be issued to the applicant. If the city council or designee denies the application, a notice of denial shall be sent to the applicant at the business address provided on the application along with the reasons for the denial. The notice shall also inform the applicant of their right to appeal the decision to the city council pursuant to the process set forth in section 3-28-12 of this chapter. If a license is mistakenly issued or renewed to an applicant or license holder, it shall be revoked by the city manager or designee upon the discovery that the person, applicant or license holder was ineligible for the license under this chapter.
- (C) Term: All licenses are issued for a period of one year. The license period is from January 1 to December 31.
- (D) Adverse License Action: Any license issued under this chapter may be denied, revoked or not renewed as provided in section 3-28-10 of this chapter.

- (E) Transfers: All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city manager or designee.
- (F) Renewals: The renewal of a license under this chapter shall be handled in the same manner as the original application. The issuance of a license under this chapter shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.
- (G) Denials: The following shall be grounds for denying the issuance or renewal of a license under this chapter. The following list is not exhaustive or exclusive:
1. The applicant has had more than three (3) licenses to lease rental property revoked within the preceding twelve (12) months of the date of application.
 2. The applicant fails to provide any information required on the city license application, or provides false or misleading information.
 3. The applicant has outstanding fines, penalties or property taxes owed to the city. (Ord. 1002, 11-21-2005)

3-28-5: EXCEPTION:

A property owner that leases the subject property as set forth on the following list is exempt from this chapter:

- (A) Retail/commercial/industrial rental activities.
- (B) Nursing homes as licensed by the state department of health and human services.
- (C) Assisted living facilities as licensed by the state department of health and human services. (Ord. 1002, 11-21-2005)

3-28-6: INSPECTIONS:

- (A) Single-family dwellings shall be inspected in their entirety at the property owner's expense following any violation of this chapter, this code, building code or the uniform fire code, and thereafter on a schedule as may be adopted by the city.
- (B) The common areas of multi-family dwellings shall be inspected on a schedule as may be adopted by the city. Common areas inspections may be waived for participants in the STAR program as set forth in this chapter.
- (C) As a condition of reobtaining a license for a unit that has been revoked, the unit at issue shall be inspected at the property owner's expense as set forth in the city's fee schedule.
- (D) Any code violation noted by the city must be remedied in a timely fashion by the property owner and reinspected for compliance by the city. (Ord. 1002, 11-21-2005)

3-28-7: ISSUANCE OF LICENSE:

The application will be reviewed and the property will be inspected pursuant to section 3-28-6 of this chapter. If the property meets applicable codes, laws and ordinances, and fees have been paid, the code official shall recommend issuance of the license. If the property is in substantial compliance with applicable codes and laws, and there are no hazardous conditions, a license may be issued with the condition that violations will be corrected within a specified time period. (Ord. 1002, 11-21-2005)

3-28-8: LICENSE FEE:

The application fee shall be determined by the city council from time to time by resolution, and shall be paid at the time of application. License fees, as set forth by city council resolution, shall be due prior to the license expiration date; in the cases of new unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy; in the case of licensing periods of less than one year, license fees may be prorated. The city council may provide an exemption to the payment of all or a portion of license fees for single-family or multi-family licensees that remain free of violations under section 3-28-10 of this chapter. (Ord. 1002, 11-21-2005)

3-28-9: CITY PROPERTY MAINTENANCE CODE:

The city's property maintenance code, the uniform building code, and the uniform fire code are, in their entirety, except as modified or amended in this code, adopted by reference and are made a part of this chapter as if fully set out at length. (Ord. 1002, 11-21-2005)

3-28-10: VIOLATIONS BY PROPERTY OWNERS:

(A) Violations: The following actions by property owners or license holders are subject to civil penalties, constitute the basis for revocation of licenses, may result in injunctive action by the city and constitute cause to terminate participation in the STAR program which is further defined in section 3-28-13 of this chapter:

1. Leasing residential units without a license or units subject to license revocation.
2. Violation of the city maintenance code.
3. Violation of the UBC or IFC.
4. Commission of a felony related to the licensed activity by the property owner or manager.
5. Failure to take any action required by subsection 3-28-11(B) of this chapter.

(B) Penalties:

1. Revocation: Any violation of this chapter may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this chapter or Minnesota statutes. All fines are cumulative and

revocation periods will run consecutively. Revocation of a license for a single-family dwelling containing four (4) or fewer units shall revoke the rental privileges for the unit at issue and not the entire structure.

2. Responsibility For Conduct: 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 chapter 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 the vacant rental unit.

3. Penalty Grid: Each license issued hereunder shall be subject to civil penalties, revocation, or removal from the STAR program for violation of any provisions of this chapter as follows:

Violation	STAR Participant Level A	STAR Participant Level B	STAR Participant Level C	Non-STAR Licensee
First violation	\$250.00 fine	\$300.00 fine	\$350.00 fine	\$500.00 fine 6 month revocation
Second violation within 12 months	\$500.00 fine	\$600.00 fine	\$700.00 fine	\$1,500.00 fine 9 month revocation Loss of license fee exemption for all units for current year.
Third or more violation within 12 months	\$600.00 fine 2 month revocation Removal from STAR program. Loss of license fee exemption for all units for current year.	\$800.00 fine 2 month revocation Removal from STAR program. Loss of license fee exemption for all units for current year.	\$1,000.00 fine 2 month revocation Removal from STAR program. Loss of license fee exemption for all units for current year.	\$2,000.00 fine 12 month revocation Loss of license fee exemption for all units for additional year.

4. Loss Of License Exemption: License fees shall be immediately due and payable under the following circumstances:

a. Upon the second violation in any twelve (12) month period by a non-STAR licensee the city shall revoke the license fee exemption set forth in section 3-28-8 of this chapter for the current year.

b. A third or more violation in any twelve (12) month period by a non-STAR licensee shall result in the revocation of the license fee exemption for the next occurring renewal of the license. License fees shall thereafter be due and payable upon each renewal until the renewal of licenses following a continuous twelve (12) month period free of property owner violations.

c. Upon the third violation in any twelve (12) month period by STAR licensees the city shall revoke the current year license fee exemption set forth in section 3-28-8 of this chapter for the current year.

5. Removal From STAR Program: A STAR participant who receives a third violation within a twelve (12) month period is automatically removed from the STAR program effective upon the date notice of removal is sent by the city. Subsequent violations by the licensee or its assigns within twelve (12) months of the date of removal from the program shall be considered to be a second violation under the non-STAR licensee category.

6. Rejoining Program: If a STAR participant is removed from the program for violations set forth in this section, that licensee may reapply for participation in the program following completion of all loss of exemption periods and twelve (12) continuous months of operations free from any violation of this chapter. (Ord. 1002, 11-21-2005)

3-28-11: "THREE STRIKES AND YOU'RE OUT"; DISORDERLY USE BY TENANTS:

(A) Conduct Constituting Disorderly Use: The following conduct by tenants or their guests on the licensed premises is hereby deemed to be a disorderly use, if such conduct is in violation of any of the following statutes or ordinances:

1. Minnesota statutes sections 609.75 through 609.76, which prohibit gambling;
2. Minnesota statutes sections 609.321 through 609.324 which prohibit prostitution and acts relating thereto;
3. Minnesota statutes sections 152.01 through 152.025, and statute section 152.027, subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
4. Minnesota statutes section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
5. Minnesota statutes section 609.33, which prohibits owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house;
6. Section 6-1-2 of this code, which prohibits noisy assemblies;
7. Minnesota statutes sections 97B.021, 97B.609.66 through 609.67 and 624.712 through 624.716, and section 6-4-4 of this code, which prohibits the unlawful possession, transportation, sale or use of a weapon;
8. Minnesota statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

9. Minnesota statutes sections 609.221 through 609.224, which prohibit assaults, including domestic assault as defined in Minnesota statutes section 518B.01.

10. Violation of laws relating to contributing to need for protection or services or delinquency of a minor as defined in Minnesota statutes sections 260B.425 and 260C.425;

11. Violations of this code which relate to animal noises and public nuisances.

12. Any of the following part I or II crimes:

a. Part I offenses (serious crime): Criminal homicide, forcible rape (and attempts to rape), robbery, aggravated assault, burglary - breaking and entering (including: forcible entry, unlawful entry-no force, attempted forcible entry), larceny-theft, motor vehicle theft, and arson.

b. Part II offenses (less serious crime): Other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property (buying, receiving, and possessing), vandalism- destruction of property, weapons, prostitution and commercialized vice, narcotics drug laws, gambling, driving under the influence, disorderly conduct-disturbing the peace, sex offenses (inclusive of incest, indecent exposure, carnal abuse).

(B) Process Following Disorderly Use: It shall be the responsibility of the license holder to take appropriate action following disorderly use by tenants or their guests using or occupying the premises:

1. First Strike: Upon the occurrence of an alleged disorderly use, the police department shall inform the city manager or designee of the suspected disorderly use. The city manager or designee shall then send to the tenant, and license holder, as appropriate, a written notice of the violation. The license holder shall be responsible to take action as appropriate to terminate the disorderly use.

2. Second Strike: If another instance of disorderly use takes place in the same unit or by the same tenant or guest within twelve (12) months of an incident for which a notice in subsection (B)1 of this section was given, the police department shall inform the city manager or designee of the alleged violation. The city manager or designee shall then send to the tenant, and license holder, as appropriate, a written notice of the violation. The license holder shall be responsible to take action as appropriate to terminate the disorderly use.

3. Third Strike: If a third instance of disorderly use takes place in the same unit or by the same tenant or guest within twelve (12) months of an incident for which a notice in subsection (B)1 or (B)2 of this section was given, the city shall notify the license holder by mail of the violation and shall also require the license holder to immediately undertake the process necessary to remove the tenant from the property. If the license holder fails to comply with the requirements of this section, this constitutes a property owner violation under subsection 3-28-10(A)5 of this chapter.

(C) Postponement Of Penalty: An action to revoke or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the license holder has taken appropriate measures which will prevent further instances of

disorderly use. No adverse license action shall be imposed where the instance of disorderly use of licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the license holder to a tenant to vacate the premises, where the disorderly use was related to conduct by the tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless the license holder diligently pursues them.

(D) Standard Of Review: A determination that the licensed premises have been used in a disorderly manner as described in this section shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittals of criminal charges operate as a bar to adverse license action under this section.

(E) Reapplication For Revoked License: Following the revocation of a license for a unit, the property owner or former license holder must wait for the expiration of the appropriate revocation term and then must apply for a new license for the unit. Any unit revoked must be inspected at the property owner's expense prior to the reissuance of a license. (Ord. 1002, 11-21-2005)

3-28-12: HEARING ON DENIAL OR VIOLATION:

(A) Hearing: Following receipt of a notice of denial or nonrenewal issued under section 3-28-4 of this chapter or a notice of a violation and penalty issued under section 3-28-10 of this chapter, an applicant or license holder may request a hearing before the city council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the city manager or city manager's designee within ten (10) days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before a committee consisting of the city manager or city manager's designees. After the committee conducts the hearing it shall report its findings and make a recommendation to the full city council.

(B) Findings: If after the hearing the applicant or license holder is found ineligible for a license, or in violation of this chapter, the council may affirm the denial, impose a civil penalty, revoke a license or impose any combination thereof as set forth in section 3-28-4 or section 3-28-10 of this chapter.

(C) Default: If the applicant or license holder has been provided written notice of the denial, nonrenewal, or violation and if no request for a hearing is filed within the ten (10) day period, then the denial under section 3-28-4 of this chapter or civil penalty or revocation imposed in section 3-28-10 of this chapter shall take immediate effect by default. The city manager or designee shall mail notice of the denial, fine, or revocation to the applicant or license holder. The city police shall investigate compliance with the denial or revocation. (Ord. 1002, 11-21-2005)

3-28-13: STAR PROGRAM FOR ALL LICENSE HOLDERS:

The city hereby creates a STAR program for all single-family and multi-family license holders. Participants in the program shall also be members of the city's STAR program committee (the "BPPC") which shall meet on a regular basis to give advice to the city council regarding the

operation of the program. Participation in the program is voluntary. Application for the program must be made on application forms produced by the city.

(A) Multi-Family: The following are the STAR required participation elements and associated participation levels for multi-family buildings:

1. "C level" mandatory participation:

- a. Use a crime free housing lease addendum or equivalent.
- b. Provide the city a copy of rental criteria regarding persons with criminal backgrounds.
- c. Provide a copy of third party background check procedures for tenants.
- d. Provide a copy of third party background check procedures for managers/employees.
- e. Sign an agreement to permit city involvement in eviction of tenants.
- f. Sign an agreement to permit city enforcement of traffic laws upon the property.

2. "B level" participation: Achieve level C and add the following:

- a. Annual hosting of a National Night Out party.
- b. Twenty five percent (25%) attendance at multi-housing coalition and STAR meetings.
- c. Provide to the city copies of HUD and/or insurance inspection reports.
- d. Property managers attend city crime free multi-housing training.

3. "A level" participation: Achieve level B and add two (2) of the following:

- a. Fifty percent (50%) attendance at multi-housing coalition and STAR meetings.
- b. Property manager training greater than ten (10) hours per year by MMHA or equivalent as approved by the city and STAR participants.
- c. Property managers certified by MMHA or as approved by the city and STAR participants.
- d. Multi-housing crime free certification by the city.

(B) Single-Family: The following are the STAR required participation elements and associated participation levels for single-family buildings:

1. "C level" mandatory participation:

- a. Use a crime free housing lease addendum or equivalent.

- b. Provide a copy of third party background check procedures for tenants.
 - c. Sign an agreement to permit city involvement in eviction of tenants.
 - d. Sign an agreement to permit city enforcement of traffic laws upon the property.
2. "B level" participation: Achieve level C and add the following:
- a. Twenty five percent (25%) attendance at multi-housing coalition and STAR meetings.
 - b. Provide to the city copies of HUD and/or insurance inspection reports.
 - c. Property owner attends city crime free multi-housing training.
3. "A level" participation: Achieve level B and add the following:
- a. Fifty percent (50%) attendance at multi-housing coalition and STAR meetings.
 - b. Property owner training greater than ten (10) hours per year by MMHA or equivalent as approved by the city and STAR participants. (Ord. 1002, 11-21-2005)

3-28-14: STAR PROGRAM AND BENEFITS:

STAR participants shall be provided with the following benefits by the city:

(A) STAR Certification: The city will develop a brochure that explains the STAR program, including the certification levels. Brochures will be given to rental housing developments free of charge. It shall be the responsibility of every rental housing development in the city to provide a copy of the brochure to every applicant for a rental unit in the development. The brochure shall be given to rental unit applicants at the time application forms are provided to the applicant(s), prior to the applicant(s) signing a rental agreement.

(B) Plaques: The city will develop plaques and/or special signage for multi-family rental housing properties. The plaques will indicate whether or not the property is certified under the STAR program. If the property is certified, the plaque will show which level of certification the development achieved. The plaques will be given to the rental housing property free of charge.

(C) Signage: Multi-family license holders may be allowed an increase in area for seasonal leasing banners/signage as follows:

- 1. Non-STAR license holder: No seasonal banner/signage allowed.
- 2. STAR participant:
 - C participant One hundred percent (100%) of permit price.
 - B participant Fifty percent (50%) of permit price.
 - A participant No charge for permit and seasonal signage area of one

hundred fifty percent (150%) of size limit.

(D) Web Site Listing: Listing on city web site as a STAR certified provider.

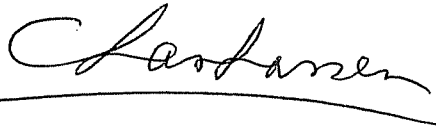
(E) Inspections For Multi-Family Buildings: The city may allow a waiver of inspections or substitution of alternative inspection reports for common areas of multi-family buildings as follows:

1. Non-STAR license holder: Annual inspections required.
 2. STAR participant:

C participant	Inspections required as set forth in city schedule.
B participant	Submission of HUD inspection or equivalent.
A participant	Submission of HUD inspection or equivalent.
- (Ord. 1002, 11-21-2005)

3-28-15: SEVERABILITY:

If any provision of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this chapter. (Ord. 1002, 11-21-2005)

**ARTICLE VIII. RENTAL DWELLING LICENSES****Sec. 10-216. 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.

(Ord. No. 341, § 1, 10-14-02)

Sec. 10-217. 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 manager 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 or more living units. "Rental dwelling" does not include hotels, motels, hospitals and homes for aged.

(Ord. No. 341, § 1, 10-14-02)

Cross references: Rules of construction and definitions, § 1-2.

Sec. 10-218. 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 for a two-year period and is valid until the date of expiration.

(Ord. No. 341, § 1, 10-14-02; Ord. No. 358, § 1, 12-8-03)

Sec. 10-219. 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 Chapter 4 of the Chanhassen City Code. Such application shall be submitted at least 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.

(Ord. No. 341, § 1, 10-14-02; Ord. No. 371, § 19, 4-12-04)

Sec. 10-220. Reserved.

Editor's note: Ord. No. 371, § 20, adopted Apr. 12, 2004, repealed § 10-220, which pertained to execution of license applications and derived from Ord. No. 341, § 1, adopted Oct. 14, 2002.

Sec. 10-221. License renewal.

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

(Ord. No. 341, § 1, 10-14-02; Ord. No. 358, § 2, 12-8-03)

Sec. 10-222. License fees.

Such license fees shall be in the amount established in chapter 4 of this Code.

(Ord. No. 341, § 1, 10-14-02; Ord. No. 358, § 3, 12-8-03)

Sec. 10-223. Posting.

Every registrant of a rental dwelling shall post the annual license issued by the city manager. 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.

(Ord. No. 341, § 1, 10-14-02)

Sec. 10-224. Maintenance standards.

Every rental dwelling shall maintain the standards in chapter 7, Housing Maintenance Code, in addition to any other requirement of the ordinance of the city or special permits issued by the city, or the laws of the State of Minnesota.

(Ord. No. 341, § 1, 10-14-02)

Cross references: Buildings and building regulations, Ch. 7; property maintenance, §§ 7-50--7-89.

Sec. 10-225. 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.

(Ord. No. 341, § 1, 10-14-02)

Sec. 10-226. 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 manager 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.

(Ord. No. 341, § 1, 10-14-02)

Sec. 10-227. 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.

(Ord. No. 341, § 1, 10-14-02)

Sec. 10-228. 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, in violation of any of the following statutes or ordinances:

- (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 §§ 152.01 through 152.025, and 152.027, subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- (4) Minnesota Statutes § 340A.401, which prohibit the unlawful sale of alcoholic beverages;
- (5) Chapter 13, Article I of this Code, which prohibit nuisances;
- (6) 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;
- (7) 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;
- (8) Minnesota Statutes §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
- (9) Minnesota Statutes §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;
- (10) Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
- (11) Minnesota Statutes §§ 609.52 which prohibit theft;
- (12) Minnesota Statutes §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
- (13) Minnesota Statutes § 609.582 which prohibit burglary;
- (14) Minnesota Statutes § 609.595 which prohibit damage to property; and
- (15) Section 11-2 of the Chanhassen City Code which prohibit the discharge of a firearm.

(Ord. No. 341, § 1, 10-14-02; Ord. No. 371, § 18, 4-12-04; Ord. No. 395, § 3, 5-9-05)

Sec. 10-229. Disorderly use violations.

(a) Upon determination by the compliance official that a disorderly use violation occurred on the licensed premises, as described in section 10-228 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 occurs within 12 months of an incident for which the notice in subsection 10-228(1) 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 further disorderly use of the

premises. This written report shall be submitted to the city within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises.

(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 occurs within 12 months after the second of any two previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the unit occupied by the involved tenant shall be suspended by the city council. The initial suspension shall be for up to 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 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 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 full calendar months after the determination by the compliance official that disorderly use has occurred and notice of the determination has been sent to the licensee.

(Ord. No. 341, § 1, 10-14-02)

Sec. 10-230. 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 10-229.

(Ord. No. 341, § 1, 10-14-02)

Section 410 - Housing and Redevelopment

410.00. 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.

410.05. Definitions. For the purposes of Section 410.00 et. seq., the terms defined in this section shall have the meanings given them in the subdivisions which follow:

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

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

410.10. 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.

410.15. 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:

Subd. 1. Name and address of the owner of the rental dwelling. In cases where the owner of a rental dwelling lives outside of Hennepin County limits, the registration shall be made by an operator who shall be legally responsible for compliance with this and other ordinances and such operator shall live in Hennepin County.

Subd. 2. Name and address of any operator or agent actively managing said rental dwelling.

Subd. 3. Name and address of all partners if the registrant is a partnership.

Subd. 4. Name and address of all officers of the corporation if the registrant is a corporation.

Subd. 5. Name and address of the vendee if the rental dwelling is owned or being sold on a contract for deed.

Subd. 6. Legal address of the rental dwelling.

Subd. 7. Number and kind of units within the rental dwelling classified as dwelling units, tenement units, or rooming units or other.

Subd. 8. Name and address of on site operating manager if any.

410.20. 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.

410.25. License Renewal. Notwithstanding the application signature requirements of Section 410.20, renewals of the license as required annually by this code may be made by filling out the required renewal form furnished by the City Manager to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to the City Manager.

410.27 Tenant Register. The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home. In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the Chief of Police, or his/her designee of any change of the identity, address or telephone numbers of such persons. The register must be available for the inspection by the Chief of Police, or his/her designee at all times. (*Ord. 2004-24, 10/26/2004*)

410.30. License Fees. Such license fees shall be in the amount set by the Council from time to time.

410.35. Posting. Every registrant of a rental dwelling shall post the annual license issued by the City Manager. 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.

410.40. Maintenance Standards. Every rental dwelling shall maintain the standards in Chapter 405 Housing Maintenance Code in addition to any other requirement of the ordinance of the City or special permits issued by the City, or the laws of the State of Minnesota.

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

- (a) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
- (b) Minnesota Statutes, Section 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) Section 2025 of this Code, which prohibits noise and noisy assemblies;
- (f) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 930 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
- (g) Minnesota Statutes, Section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

Subd. 2. A determination that the licensed premises have been used in a disorderly manner as described in Subdivision 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

Subd. 3. Upon determination by the Compliance Official utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action with the assistance of the City to prevent further violations.

Subd. 4. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within twelve (12) months of an incident for which a notice in Subdivision 3 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within seven (7) days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months.

Subd. 5. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs 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 premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this section shall be initiated by the City in the manner described in Section 410.45, and shall proceed according to the procedures established in Sections 410.45 and 410.50.

Subd. 6. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or the tenant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within ten (10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this section may be postponed or discontinued by the Compliance Official at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

(Ord. 2001-24, 07/24/2001)

410.45. Revocation, Suspension, or Probation. Subd. 1. Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this ordinance or any other ordinance of the City or any special permit issued by the City or the laws of the State of Minnesota. *(Ord. 2001-24, 07/24/2001)*

Subd. 2. The license may be suspended, revoked, or placed in a probation status 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. *(Ord. 2001-24, 07/24/2001)*

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

Subd. 4. After a hearing the City Council may suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety or general welfare. *(Ord. 2001-24, 07/24/2001)*

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

Subd. 2. Any person aggrieved by a decision of the 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 Manager shall schedule a date for hearing before the City Council and notify the aggrieved person of the date.

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

Subd. 4. The decision 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.

410.55. 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.

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ORDINANCE NO. _____

CITY OF PLYMOUTH
HENNEPIN COUNTY, MINNESOTA

**AN ORDINANCE AMENDING
CHAPTER 4 OF THE PLYMOUTH CITY CODE
CONCERNING RENTAL DWELLINGS**

THE CITY COUNCIL OF PLYMOUTH, MINNESOTA ORDAINS:

SECTION 1. Section 410 of the Plymouth City Code is amended by adding subsection 410.22 to read as follows:

410.22 **Mandatory training.** The owner or property manager of a rental dwelling must complete Crime Free Multi Housing training offered by the City's police department or a similar program approved by the City's police department. This training must be completed before the license for a dwelling is renewed and thereafter every three years if the dwelling continues to be a rental dwelling. The requirements for mandatory training do not apply to a person who only owns or manages one rental dwelling unit in the City of Plymouth. If three or more violations of Code section 410.42 occur in a 365 day period at a single family rental dwelling owned by a person who is not required to have mandatory training, that person must complete the mandatory training before the dwelling license may be renewed.

SECTION 2. Section 410.42 Subd. 1 of the Plymouth City Code is amended by adding the following subparagraphs:

(h) Failure to comply with dangerous dog requirements in violation of Section 915 of this Code or Minnesota Statutes Chapter 347.

(i) Indecent exposure in violation of Minnesota Statutes Section 617.23.

(j) Assault, as defined by Minnesota Statutes Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults, public nuisance, as defined by Section 960.03, subdivision 1, of this Code or Minnesota Statutes Sections 609.74 - .745.

(k) The unlawful sale, furnishing, use, or possession of intoxicating liquor or non intoxicating malt liquor in violation of Minnesota law or Chapter XII of this Code.

(l) Criminal damage to property in violation of Minnesota Statutes 609.595.

(m) The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes 152.027 subd.4.

(n) The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes 152.092.

(o) Contributing to the delinquency or status as a juvenile.

SECTION 3. Section 410.42 Subd. 4 and Subd. 5 of the Plymouth City Code are amended to read as follows:

Subd. 4. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within ~~twelve (12) months~~ 365 days of an incident for which a notice in Subdivision 3 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within seven (7) days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding ~~twelve (12) months~~ 365 days.

Subd. 5. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within ~~twelve (12) months~~ 365 days 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 premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this section shall be initiated by the City in the manner described in Section 410.45, and shall proceed according to the procedures established in Section 410.45 and 410.50.

SECTION 4. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, 2008, by the City Council of Plymouth, Minnesota.

CITY OF PLYMOUTH

BY: _____
Kelli Slavik, Mayor

ATTEST:

Laurie Ahrens, City Manager

Section 405 - Property Maintenance

405.01. Maintenance Code. The International Property Maintenance Code, 2000 Edition, is hereby adopted by reference and incorporated herein, subject to the amendments set forth in this Chapter.

405.02. Deletions. The following sections of the International Property Maintenance Code are deleted: 103.2; 103.3; 108.4-108.5; 110.4; 111.4.1 through 111.8; 302.8; 302.9; 305.3.1; 305.3.2; 404.5.1 through 404.6; 502.3; 502.4; 502.4.1; 503.3; 602.4; 603.2 (exception).

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

101.1 Title. For the purposes of this article, these regulations shall be known as the Property Maintenance Code of the City of Plymouth, hereinafter referred to as "this code".

102.2 Maintenance. Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. Equipment, systems, devices, and safeguards shall not be shut off except as required to facilitate repairs. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied structure or dwelling, except for such temporary interruption as may be necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

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, the Plymouth City Code or the Plymouth Zoning Ordinance.

102.7 Referenced Codes and Standards. All references to other codes or standards within this code shall mean the applicable provisions of the Plymouth City Code, the Plymouth Zoning Ordinance, or the Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.

103.1 Enforcement. The Building Inspection Division of the City is responsible for administering the provisions of this code, and the Building Official in charge shall be known as the code official.

103.6 Fees. The fees for activities and services performed by the department carrying out its responsibilities under this code, shall be set forth in Chapter X.

106.3 Prosecution of Violation. Subject to applicable court rules, the charging authority may, in the exercise of his or her discretion, charge any person failing to comply with a notice of violation or order served in accordance with Section 107 with an ordinance violation, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or the termination of the unlawful occupancy of the structure in violation of the provisions of the code or of the order or direction made pursuant thereto.

108.1 General. When a structure or equipment is found by the code official to be found unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure may be condemned pursuant to the provisions of this code.

108.1.3 Structure Unfit for Human Occupancy. Any structure, dwelling, dwelling unit or rooming unit or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provisions for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public may be declared unfit for human occupancy. Whenever any structure, dwelling, dwelling unit or rooming unit has been declared unfit for human occupancy, the code official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human occupancy, and any operating license previously issued for such dwelling shall be revoked pursuant to law.

108.1.4 Prohibited Occupancy. It shall be unlawful for any structure, dwelling, dwelling unit or rooming unit or portion thereof to be used for human occupancy until the defective conditions have been corrected and written approval has been issued by the code official. It shall be unlawful for any person to deface or remove the declaration placard from any such structure dwelling, dwelling unit or rooming unit.

108.2 Hazardous and Substandard Buildings. Hazardous and substandard buildings shall be abated in accordance with Minnesota State Statutes 463.15 et seq.

108.3 Securing Vacant Buildings. Vacant buildings may be secured in accordance with Minnesota State Statutes 463.251.

111.2 Board of Appeals Decision. The board shall consider all relevant evidence, documents and verbal presentations submitted during the hearing from the appeals applicant and the code official. Within 15 days following the appeal hearing, the board shall notify the applicant and code official in writing of their decision.

111.3 Limitations of Authority. The board shall have no authority to approve a condition or waive any requirements that would create a violation of the Minnesota State Building or Fire Codes.

111.4 Stays of Enforcement. Appeal requests, except for imminent danger or hazardous building orders, shall stay the enforcement of the notice and order until the board has notified the applicant and code official in writing of a decision on the appeal.

SECTION 201

GENERAL

201.3 Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the Plymouth City Code, the Plymouth Zoning Ordinance or the Minnesota State Building Code, such terms shall have the meanings ascribed to them in those codes.

SECTION 202

GENERAL DEFINITIONS

Accessory Building, Structure, or Use. A subordinate building, structure, or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary, appropriate and incidental to the conduct of the primary use of such building or main use.

Code Official. The official charged with the administration and enforcement of this code, or any duly authorized representative. For the purpose of administration and enforcement of this code, the Building Official shall be the code official.

Condominium Dwelling Unit. A unit in a dwelling in which there are two or more units where each unit is separately owned and each unit owner holds a proportional interest in certain

common areas. Wherever the term "dwelling unit" is used, it shall also include a Condominium Dwelling Unit.

Dwelling. A building or portion thereof, designated exclusively for residential occupancy, but not including hotels, motels, nursing homes, boarding or rooming houses, tents, seasonal cabins, or motor homes or travel trailers.

Dwelling Unit. A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers.

Garbage. Animal and vegetable wastes and other wastes or putrescible matter including but not limited to grease, wrappings, shells, grounds, bones, entrails, and similar materials resulting from the handling, preparation, cooking, service and consumption of food, and other animal wastes.

Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Permissible Occupancy. The maximum number of persons legally permitted to reside in a dwelling unit or rooming unit.

Rodent Harborage. A place where rodents commonly live, nest, or establish their habitat.

Rubbish. Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, refuse, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excrete, or the carcass of animals; tree or shrub trimmings (greater than ¼ inch in diameter), or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles,

auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

SECTION 302

EXTERIOR PROPERTY AREAS

302.2.1. Yard Cover. Every yard of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.

302.3.1. Removal of Snow and Ice. The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, steps and walkways on the premises within 48 hours after cessation of the snowfall in accordance with Section 820 of the City Code and supplemented by this provision.

302.3.2. Maintenance of Driving and Parking Areas. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining in good condition, paved and delineated parking areas and driveways for tenants.

302.3.3. Exterior Lighting. The owner of a rental dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking areas and walkways.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches in accordance with Section 810 of the City Code. All noxious weeds shall be prohibited.

302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the Minnesota State Building Code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm.) from the gate post.

SECTION 303

EXTERIOR STRUCTURE

303.5 Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the structure or dwelling.

303.10.1 Guards. Every open portion of the stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: The top of guard rails for stairways, exclusive of their landings, may have a height as specified in the Minnesota State Building Code.

303.10.2 Handrails. Every exterior flight of stairs serving any building or portion thereof having more than three risers shall have a handrail on at least one side of the stair. Handrails shall comply with the requirements of the State Building Code.

303.13.2 Window Locks. Every window other than a fixed window, located in whole or in part within 8 feet above ground level or a walking surface below providing access to a dwelling unit or rooming unit shall be equipped with window sash locking devices.

303.14 Insect Screens. 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 tight fitting screens of not less than 16 mesh per inch. Every swinging door shall also have a self-closing device in good working condition.

303.15.1 Door Locks. No person shall rent or let to another for occupancy any dwelling, dwelling unit or rooming unit unless all exterior doors of the dwelling, dwelling unit, or rooming unit are equipped with safe, functioning locking devices. Multiple family dwellings shall have a security system which maintains locked building entrances or foyer doors and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked. Every door that provides ingress or egress for a dwelling unit within a multiple family dwelling shall be equipped with a lock that has a deadlocking bolt that cannot be retracted by end pressure, provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort. All multiple family dwellings in existence at the time this chapter is adopted; which were not previously required to have such a security system, shall not be subject to the requirements of this Section.

SECTION 304

INTERIOR STRUCTURE

304.4.1 Handrails. Every interior flight of stairs serving any building or portion thereof having more than three risers shall have a handrail on at least one side of the stair. Handrails shall comply with the requirements of the State Building Code.

304.5.1 Guards. Every open portion of the stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: The top of guard rails for stairways, exclusive of their landings, may have a height as specified in the Minnesota State Building Code.

SECTION 305

RUBBISH AND GARBAGE

305.2 Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers as prescribed by Chapter VI of the Plymouth City Code.

SECTION 401

GENERAL

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

SECTION 404

OCCUPANCY LIMITATIONS

404.5 Permissible Occupancy of Dwelling Unit. The maximum permissible occupancy of any rental dwelling unit shall be determined as follows:

- (a) For the first occupant, 150 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
- (b) In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.

- (c) Not more than one family, except for temporary guests, shall occupy a dwelling unit.

An Owner or Operator may adopt standards that reduce the maximum allowed occupancy of a dwelling unit from the standards set forth herein.

SECTION 503

TOILET ROOMS

503.4 Floor Surface. Every toilet room floor surface and bathroom floor surface shall be constructed and maintained to be impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 505

WATER SYSTEM

505.1 General. 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 or cold running water in accordance with the provisions set forth in the Minnesota State Plumbing Code.

SECTION 602

HEATING FACILITIES

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature required for the locality by the Minnesota State Building Code.

602.3 Heat Supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guest room 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 to maintain a temperature of not less than 68 degrees F 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.

SECTION 603

MECHANICAL EQUIPMENT

603.1.1 Appliance Testing. Central heating appliances shall be tested by a mechanical contractor to verify that the appliance is in a safe working condition when evidence of malfunction, corrosion, deterioration or excessive interior carbon monoxide is suspected.

SECTION 604

ELECTRICAL FACILITIES

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 Minnesota State Electrical Code.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

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

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.

702.4 Emergency Escape Openings. Required emergency in escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Minnesota State Building Code and such devices shall be releasable or removable from the inside without the use of a key, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grills, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704.

704.1 Smoke Detectors. Existing Group R occupancies not already provided with single, station smoke alarms shall be provided with approved single-station smoke alarms. Smoke detectors shall be installed on each floor of residential buildings in accordance with the Minnesota State Fire Code.

704.4 Maintenance. Smoke alarms shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective.

CHAPTER 8

REFERENCED STANDARD

800 GENERAL REFERENCES

Whenever this code refers to the International Codes, such references shall be deemed to be the comparable, applicable code as adopted by the State of Minnesota. Whenever this code shall refer to the International Zoning Code, such references shall be deemed to be the City of Plymouth Zoning Ordinance.

(Ord. of 2004-24, 10/26/2004)

ORDINANCE # _____
AN ORDINANCE AMENDING TITLE 9 BY ADDING CHAPTER 907 TO THE
CITY OF ROSEVILLE CITY CODE REGARDING REGISTRATION OF
RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS

THE CITY COUNCIL OF THE CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 907, hereby titled RESIDENTIAL RENTAL PROPERTY REGISTRATION is hereby created as follows:

907.01. Purpose. The City recognizes a need for an organized registration program of residential rental property with 1 to 4 units within the City in order to identify and quantify small rental units in the City and provide information and a method to enforce minimum standards to meet City and State safety, health, fire and zoning codes within the City and to provide a more efficient system to ensure that the stock of rental property within the City is properly maintained. The City recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of all residential rental property with 1 to 4 units within the City.

907.02. Definitions.

1. The term “residential rental property” means any building, structure, room, enclosure, or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. Residential rental property does not mean on-campus college housing, hospital units, nursing home units, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.
2. The term “unit” means all or a portion of a residential rental property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group.
3. The term “person” includes natural persons as well as business entities, whether one or more.
4. The term “City” means the City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.

907.03. Registration Requirements. Except as provided in Sections 907.05(1) and 907.06, it is unlawful for any person to hereafter occupy, allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental property of 1 to 4 units within the City for which an application for registration has not been properly made and filed with the City or after the time that a registration is suspended or revoked. Initial registration shall be made upon forms furnished for such purpose and shall specifically require the following minimum information:

1. Name, address and phone number of the property owner and, if owner is not a natural person, the name, address and phone number of a designated agent for the owner.
2. The name, phone number, and address of any person authorized to make or order made repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
3. The street address of the rental property.
4. The number and types of units within the rental property (single family, duplex, triplex or fourplex).
5. If the rental unit is occupied by the property owner and rooms are rented to boarders, the number of boarders and bedrooms.
6. Number of bedrooms and bathrooms in the rental dwelling unit.

907.04. Fees. There shall be a registration fee. All fees shall be established annually by the City Council. All fees and fines shall be charged to and payable by the property owner.

907.05. Manner of Registration.

1. An owner of an existing rental property as defined by this Chapter must apply for registration pursuant to this Chapter no later than 60 days following the effective date of this Chapter.
2. An owner of a non-rental property that after the effective date of this Chapter wishes to convert the property into a rental property, shall apply for and register the property prior to its conversion.
3. If there is a change in the type of occupancy from the type stated on the registration statement, a new registration statement shall be filed within 30 days of the change.
4. When property is sold, the new owner shall register within 30 days of the sale.

907.06. Registration Exemptions.

1. The owner of a rental dwelling unit is exempted from the registration requirement of this Chapter if all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner files an affidavit with the City stating that each of the renters are one of these relations. The owner must notify the City in writing within 30 days if the exemption described in this Chapter is lost because the renters are not related to the owner as one of the above-referenced relations.

907.07. Registration Suspensions and Revocation. Property registration may be revoked or suspended at any time during the life of said registration for grounds including, but not limited to, the following:

1. False or misleading information given or provided in connection with a registration application.
2. Failure to maintain the rental property in a manner that meets pertinent provisions of City Code including, but not limited to, Code Chapters 407 and 906.
3. Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises including, but not limited to, the following:
 - A. Minn. Stat. 609.75 through 609.76, which prohibit gambling;
 - B. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 - C. Minn. Stat. 152.01 through 152.025 and 152.027, subs. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
 - D. Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic beverages;
 - E. Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
 - F. Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
 - G. Minn. Stat. 609.72, which prohibits disorderly conduct;
 - H. Roseville City Code Section 407, prohibiting public nuisances, Section 405, noise control, Section 906, property maintenance, Sections 1004 and 1005, land use and Section 1018, parking; and
 - I. Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.

A suspended or revoked rental registration may be reinstated when the circumstances leading to the suspension or revocation have been remedied.

907.08. Violation. Except as provided in Sections 907.05(1) and 907.06, any person that maintains a rental dwelling unit without having the property registered, or after the registration

for the property has been revoked or suspended, or who permits new occupancy in violation of Section 907 is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for habitation. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid; (b) a rental registration is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit, and (c) completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407.06, 407.07 and 407.08. Each day of each violation constitutes a separate offense.

907.09. Maintenance of Records. All records, files and documents pertaining to the Rental Registration Program shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

907.10. Authority. Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on registration including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent.

907.11. Applicable Laws. Residential Rental Property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

907.12. Notice to Tenant. The owner, or its agent, must provide each tenant with a Resident Maintenance Handbook provided by the City and Tenant Rights and Responsibilities Handbook provided by the Attorney General's office.

907.13. Rules, Policies and Procedures. The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Ordinance.

907.14. No Warranty by the City. By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental registration.

907.15. Severability. If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of

competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby.

Section 2. Effective Date. This Ordinance amendment to the City Code shall take effect on _____, 2008, after passage and publication.

Passed this _____ day of _____, 2008.

CITY OF ROSEVILLE

By: _____
Mayor

ATTEST:

City Manager

RRM: #116095/cg

WKSP 3
6/4/08

TO: Mayor Lindstrom, Council members Harris, Kuettel, Long, and Mercer-Taylor

FROM: Justin Miller, City Administrator

Re: 2008/09 City Council Goals

Explanation:

Each year the city council takes time before the budget process begins to establish goals for the upcoming year. Attached to this report is a copy of the goals established in the summer of 2007, and then amended in February 2008.

Staff will use the goals set by the city council as key determinants in preparing the 2009 operating and capital budgets. They will also be formally approved by the city council at a future regular meeting, and they will be advertised in city newsletters and on our website.

City of Falcon Heights

2008 Goals

Purpose: To sustain this community as a good place to live, work and visit.

Goal 1:To protect the public health and safety.

Strategy 1: Provide public safety services to citizens.

Action Items:

- Provide a responsive, visible, police service utilizing community oriented policing model
- Provide a responsive, well-trained fire service
- Practice the emergency management plan
- Participate in Metro-wide emergency management planning, activities and exercises
- Continue to offer training to prepare volunteers to assist with disaster response
- Maintain Community Emergency Response Teams (CERT) throughout the city
- Work with other cities, agencies and institutions in Ramsey County to develop a county-wide emergency management inventory and plan
- Continue to use St. Paul for ambulance service
- Participate in the North Suburban Haz Mat Team
- Explore options for a bicycle safety program and bicycle patrols
- Promote 55 Alive programs
- Conduct proactive neighborhood crime prevention meetings as needed
- Promote services provided by SAPD such as premise checks, vacation checks and carseat safety

Strategy 2: Participate in initiatives designed to prevent crime and the need for emergency responses.

Action Items:

- Promptly remove graffiti from public buildings and provide removal materials for city businesses
- Expand opportunities for using technology to improve crime watch notification
- Communicate regularly with residents about Homeland Security and the emergency management plan
- Support the work of the Neighborhood Commission and Neighborhood Liaisons
- Use traffic-calming tools including the speed monitoring trailer and warning signs
- Take steps to prevent hate crimes through the activities of the Human Rights Commission

Strategy 3: Participate in early intervention programs with juveniles.

Action Items:

- Support Northwest Youth and Family Services (NYFS)
- Continue referrals to NYFS through facilitating connections between NYFS and SAPD

Strategy 4: Protect the public health.

Action Item:

- Participate in Ramsey County public health emergency exercises
- Publicize mosquito control measures, including free tire pick-up by Metropolitan Mosquito Patrol, utilizing city council meetings, newsletters and flyers
- Continue education about preparing for pandemic flu in this community
- Explore opportunities to distribute free gun locks

Goal 2: To sustain and promote the assets of the city's unique neighborhoods and tax base including commercial, residential and open space uses for present and future generations.

Strategy 1: Maintain and enhance the neighborhood and community parks with updated facilities, recreation and community services.

Action Items:

- Maintain community landscaping and investigate additional options
- Maintain a sound maintenance program for public facilities
- Focus on the quality, appearance, and longevity of public improvements
- Research opportunities for enhancing recreational resources at Falcon Heights Elementary School
- Support and continue to promote an Adopt-A-Park program
- Implement the Parks and Recreation Master Plan

Strategy 2: Work with businesses and homeowners to maintain a functional and desirable business and residential environment.

Action Items:

- Continue to review and communicate city code requirements to business and commercial property owners
- Maintain the desirability of neighborhoods through education and code enforcement
- Use non-profit organizations such as NYFS
- Communicate community standards through photos and code information on the website
- Publicize Falcon Heights businesses including the Farmer's Market

Strategy 3: Maintain the City's infrastructure.

Action Items:

- Maintain and increase the pathways
- Complete development of a system for rating pathways throughout the City
- Maintain the sanitary sewers and storm sewers
- Continue with a boulevard tree program for replacement, maintenance and expansion
- Publicize the resources available through the Housing Resource Center
- Maintain streets and alleys in accordance with the Pavement Management Plan
- Pursue residential streetlighting study

Strategy 4: Protect and enhance the physical land use characteristics of the community.

Action Items:

- Regularly review and update zoning code as necessary
- Participate in planning discussions, and get the required planning expertise if needed to assure that University of Minnesota and State Fair land uses and future inter-government decisions do not negatively impact the City's neighborhoods
- Expand the use of the GIS system for land use planning and maintaining information on the city's land use and facilities
- Support environmental education programs and activities
- Complete and submit plan for 2008 Comprehensive Plan Update

Strategy 5: Pursue community and economic development opportunities and business retention activities.

Action Items:

- Be well informed with the necessary planning, engineering, financial and legal expertise when making land use decisions
- Offer local businesses opportunities to be included in new resident welcome packets and community activities

Strategy 6: Expand pedestrian and bicycle opportunities.

Action Items:

- Be an active partner in the *Active Living Ramsey County!* (ALRC) initiative
- Work with ALRC to conduct a GIS inventory of pathways and bicycle lanes
- Explore opportunities for trolley path in conjunction with new Bell Museum

Strategy 7: Promote the unique assets of Falcon Heights.

Action Items:

- Publicize the new Bell Museum of Natural History
- Distribute the "Fun Facts About Falcon Heights Flyer"

Goal 3: To expand opportunities for the interaction and involvement of citizens of all ages in their neighborhoods and community.

Strategy 1: Promote and participate in youth development.

Action Items:

- Continue the Junior Leaders program
- Include youth as commission members
- Include youth in city meetings, trainings and courses
- Informally interact with youth when the opportunity arises
- Speak about local government at schools or youth related functions
- Recognize youth achievement at City Council meetings, in the newsletter, and through the Neil Kwong Youth Citizenship Awards, and the North Suburban Gavel Association
- Promote awareness of the Cable Commission scholarships and internships
- Encourage student participation in City Council Meetings
- Participate in the Kids Voting Program at precincts one and two through the Roseville Rotary Club
- Conduct a council meeting with students
- Contact RAMS or RAHS to solicit youth commission members

Strategy 2: Host community/neighborhood events and activities.

Action Items:

- Sponsor Annual Ice Cream Social
- Sponsor Winterfest
- Encourage neighborhood gatherings
- Support the Neighborhood Block Parties and National Night Out activities
- Support the Fire Department/Public Safety Open House
- Encourage volunteers to be involved in community planning activities
- Hold an annual food drive in conjunction with Falcon Heights Elementary School and other community partners
- Review and explore existing and additional city sponsored events

Strategy 3: Explore, create and provide an array of recreation programming.

Action Item:

- Provide recreation programming for all age groups
- Provide referrals for alternate programming
- Manage recreation programming on a seasonal basis
- Provide space for and promote the Falconeers Senior program

Strategy 4: Encourage citizens to participate in city government.

Action Items:

- Promote resident participation
- Continue to web-stream televised council and planning commission meetings

- Promote, recruit, and publicize citizen participation in city commissions and task forces

Strategy 5: Build stronger community and neighborhood connections.

Action Items:

- Distribute the “Welcome to Falcon Heights” booklet
- Support and promote the Neighborhood Liaison Program
- Use conflict resolution resources for neighbors to use in resolving neighborhood conflicts
- Send out three newsletters per year
- Distribute monthly Falcon Flyer and post to city website
- Support and expand the city’s website
- Promote and support the AARP Tax Assistance Program
- Research “Aging-In-Place” in the City

Strategy 6: Maintain and promote our commitment to human rights and diversity.

Action Items:

- Promote diversity on our commissions
- Support the work of the Falcon Heights Human Rights Commission

Goal 4: To provide a responsive and effective city government.

Strategy 1: Communicate promptly and clearly with citizens, business owners and institutional representatives by anticipating information needs and quickly responding to questions.

Action Items:

- Provide a photo of new staff members and a description of jobs in the newsletter
- Publish a summary of the goals in the City’s newsletter and on the website
- Educate residents about the property tax
- Hold a Truth in Taxation Hearing annually

Strategy 2: Maintain collaborative relationships with other entities.

Action Items:

- Participate in the U of M Campus/Community Advisory Committee and on the Stadium Area Advisory Group
- Maintain regular communication with the University of Minnesota, the Metropolitan Council, Ramsey County, the Minnesota State Fair, the Capital Region Watershed District, the cities surrounding Falcon Heights, and the State of Minnesota
- Convey city goals to the City’s representatives at the legislature, the Metropolitan Council and the County, as well as to neighboring communities
- Met Council representative presentation at future council meeting

- Participate in Northwest Youth and Family Service, North Suburban Communications Commission and CTV15, and the Ramsey County League of Local Governments
- Encourage Councilmembers and Staff to participate in service and professional organizations

Strategy 3: Effectively manage the City's consulting and personnel resources.

Action Items:

- Evaluate the performance and work assignments of City employees through annual performance reviews
- Provide employees with affordable resources they require to efficiently and effectively do their jobs, including a training plan and technology resources
- Provide adequate funds for personnel, equipment and contractors to maintain the City's infrastructure, facilities, public spaces and public improvements
- Evaluate and review consultants' performances and fees
- Retain highly skilled and high-functioning employees
- Provide salaries and benefits that are competitive with cities of a similar size, scale, and scope

Strategy 4: Effectively manage the city's financial resources.

Action Items:

- Update and provide a well-researched five year capital improvement program
- Review and adjust fees and policies as part of the annual budgeting process
- Research and pursue new revenue sources, including grants
- Pursue conduit bonding opportunities
- Review and evaluate the City's long term financial needs and the City's current and future financial resources to meet these needs
- Continue to research and pursue new opportunities for reducing expenses by using more contracts and joint powers agreements to share equipment, personnel, and technology with other levels of government
- Maintain a contingency fund to be prepared for unexpected, but necessary, expenditures
- Retain highly skilled and high functioning employees
- Continue to meet the standards for the GFOA Award for Excellence in Financial Reporting

Strategy 5: Develop and expand an e-mail capability to communicate with residents

Action Items:

- Solicit e-mail addresses through the Falcon Flyer and newsletter, at the front desk, on the City website, and at community events
- Solicit new resident e-mail addresses
- Provide critical information in a timely manner utilizing city's list serv

Strategy 6: Expand the capability to conduct any city-to-resident transaction online

Goal 5: Provide for a clean, healthy, sustainable environment.

Strategy 1: Undertake efforts to maximize recycling.

Action Items:

- Explore moving to a single-sort recycling system
- Research an incentive program to encourage recycling
- Investigate collecting recycling on a weekly basis

Strategy 2: Consider environmental benefits in city purchasing.

Action Items:

- Consider environmentally-friendly options in city vehicles and public works
- Change to energy-efficient, compact light bulbs

Strategy 3: Continue support of Community Garden.

Action Items:

- Investigate placement of dedicated water line to garden
- Continue publicity in newsletter, on website, and in the Falcon Flyer