

ORDINANCE NO. 2017-25

AN ORDINANCE AMENDING CHAPTER 14, TO UPDATE FEE CATEGORIES IN ARTICLE I, REMOVE LODGING AND BOARDING HOUSE LICENSES AND REQUIREMENTS FROM ARTICLE V, CREATE GROUP HOUSING LICENSING REQUIREMENTS UNDER ARTICLE VIII, MAKE MISCELLANEOUS UPDATES FOR CLARITY, AND AMEND THE SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1, ARTICLE II OF THE CITY CODE.

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 1 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 14

LICENSES AND PERMITS

ARTICLE I. GENERAL PROVISIONS

SEC. 14.03. FEES.

Except as otherwise stated in this code, the fees for the various licenses and permits shall be as hereinafter stated.

License/Permit	Required by Section	Annual Fee

Lodging Establishments	14.443	
(A) Hotel/motel		
(1) Each guestroom		\$10.50
[(B) Lodging house, lodging accommodation for 5 or more regular roomers, no food provided		
— (1) 5 to 25 beds		\$236
— (2) 26 or more beds, each bed		\$10.50
—(C) Small boarding house, food and lodging accommodations for 5 to 10 regular boarders. Food license included.		
— (1) 5 to 10 beds		\$236
—(D) Large boarding house, food and lodging accommodations for 11 or more. A separate food license is required.		

—(1) 11 to 25 beds		\$236
—(2) 26 or more beds, each bed		\$10.50]
([E] B) Bed and breakfast, food license is included		\$236
([F] C) Plan review, new and 50% or more remodel		Equal to annual license
([G] D) Plan review, less than 50% remodel		Equal to 1/2 annual license
([H] E) Expedited plan review		Equal to double the plan review fee
* * *		
Rental Housing	14.569	
(A) Multiple-family dwelling, 5 or more units (apartment buildings and townhouse complexes; <u>includes registered housing with services</u>)		
(1) First unit per building		\$147
(2) Each additional unit		\$10.50
([B]) <u>Housing with services dwelling</u> (apartment buildings and townhouse complexes)		
(1) First unit per building		\$147
(2) Each additional unit		\$10.50]
(B) <u>Group housing or other housing with shared living spaces; includes registered housing with services units.</u>		
(1) <u>Group housing, small: 5 to 10 beds.</u>		\$120
(2) <u>Group housing, medium: 11 to 25 beds. A separate food license is required.</u>		\$236
(3) <u>Group housing, large: 26 or more beds, each bed. A separate food license is required.</u>		\$10.50
(C) Three- and four-plexes, three-four units		
(1) First unit per building		\$120
(2) Each additional unit		\$42
(D) Duplexes		
(1) First unit		\$120

(2) Second unit		\$52
(3) Zero lot - each side		\$120
(E) Single-family dwelling (house, townhouse)		\$120
(F) Condominium (in building of owner-occupied units)		\$94
(G) Accessory dwelling unit in a single-family house		\$120

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ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

DIVISION A: ~~[RESERVED]~~ GENERAL PROVISIONS

§ 14.443 FINDINGS AND PURPOSE.

This Article V is enacted to establish standards for the regulation of food establishments, lodging establishments and public pools in the city to protect the health, safety and general welfare of the public pursuant to the powers granted under M.S. Chapter 145A, as it may be amended from time to time. The principal objectives of this Article V of the city code are to prevent illness, to correct and prevent conditions that may adversely affect persons utilizing licensed establishments, to provide consistent standards for design, construction, operation and maintenance of licensed establishments, and to meet the consumer expectations of health and safety of licensed establishments.

For the purpose of prescribing regulations governing food establishments, lodging establishments and public pools, the city hereby adopts the following rules and statutes as may be amended or recodified from time to time:

- (a) M.S. Chapters 157, 327, 28A, 31, ~~[31A]~~ and 34A, as they may be amended from time to time;
- (b) Minnesota Rules Chapter 4625, except for part 4625.2300;
- (c) Minnesota Rules Chapter 4626, except for part 4626.1715, subpart B, part 4626.1720, subpart B, and parts 4626.1755 through 4626.1780;
- (d) Minnesota Rules parts 4717.0150 through 4717.3975 and M.S. § 144.1222, as it may be amended from time to time; ~~[and]~~
- (e) Minnesota Rules part 4717.7000, subpart 1(D)~~[-]~~;
- (f) Minnesota Statute, Sections 17.04, 29.21, 29.23, 29.235, 29.236, 29.237, 29.24, 29.25, 29.26, 29.27, and 30.49; and
- (g) Minnesota Rules parts 1550.0090 through 1550.3650.

§ 14.444 DEFINITIONS.

For the purpose of this Article V, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

LODGING ESTABLISHMENT. Defined in M.S. § 157.15, as it may be amended from time to time. **LODGING ESTABLISHMENTS** include, but are not limited to, hotels, motels, ~~lodging houses and boarding houses~~ and bed and breakfasts. **LODGING ESTABLISHMENTS** do not include rental housing ~~[dwellings]~~ as discussed in Section 14, Article VIII, Rental Housing Code of this city code.

* * *

§ 14.450 LICENSES AND RESTRICTIONS.

* * *

(b) *Lodging establishment licensing categories.*

(1) **HOTEL** or **MOTEL** means those lodging establishments providing furnished sleeping accommodations to the public for periods typically less than one week.

(2) ~~[**LODGING HOUSE** means those lodging establishments providing sleeping accommodations to the public as regular roomers, for periods of one week or more, and having five or more beds.~~

~~—(3) **SMALL BOARDING HOUSE** means those lodging establishments where food or beverages are furnished to five to ten regular boarders along with sleeping accommodations for periods of one week or more.~~

~~—(4) **LARGE BOARDING HOUSE** means those boarding houses with more than ten regular boarders.~~

~~—(5) **BED AND BREAKFAST** means those lodging establishments providing furnished sleeping accommodations along with a morning meal of food and beverages to the public for periods of less than one week. Bed and breakfast establishments typically are located in buildings having historical significance.~~

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DIVISION B: ~~[RESERVED]~~LICENSING AND INSPECTIONS

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ARTICLE VIII: RENTAL HOUSING CODE DIVISION A: GENERAL PROVISIONS

§ 14.566 PURPOSE AND INTENT.

(a) The purpose of this Article VIII is to protect the health, safety and general welfare of residents of the city living in ~~[dwellings]~~housing furnished to them through payment of money or services to the owner of the property or designee. The general objectives of this Article VIII include:

- (1) To maintain a quality of character and stability of rental ~~[dwellings]~~housing;
 - (2) To correct and prevent conditions that adversely affect, or are likely to adversely affect the life, safety, welfare and health of occupants of rental ~~[dwellings]~~housing;
 - (3) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of the occupants of rental ~~[dwellings]~~housing;
 - (4) To provide minimum standards for light and ventilation necessary for the health and safety of occupants of rental ~~[dwellings]~~housing;
 - (5) To provide minimum space standards to prevent overcrowding;
 - (6) To provide standards for maintenance of rental ~~[dwellings]~~housing to prevent blight and slums;
- and
- (7) To preserve the value of land and buildings throughout the city.

(b) The intent of this Article VIII is to establish a permanent mode of protecting and regulating the living conditions of residents of the city who rent ~~[dwellings]~~ and to provide a means for imposing license fees to help the city defray the costs necessary for housing inspections and enforcement of this Article VIII.

* * *

§ 14.567 ADOPTED BY REFERENCE.

For the purpose of prescribing regulations governing rental ~~[dwellings]~~housing, the city hereby adopts the 2012 International Property Maintenance Code. Where differences occur between provisions of this Article VIII and the referenced standards, the provisions of this Article VIII apply. A copy of the 2012 International Property Maintenance Code will be maintained on file and available to the public to view upon request in the Community Development Department.

§ 14.568 DEFINITIONS.

* * *

AGENT. An employee or other person, other than the tenant of said rental housing, residing within the seven county metro area appointed by the owner or licensee to receive notices from the city and correct violations.

~~[**BOARDING HOUSE** or **ROOMING HOUSE.** A dwelling unit where lodging with or without meals is provided for compensation and occupied by five or more individuals. See Article V of this Chapter 14 for licensing and inspection requirements for boarding houses under lodging establishments.]~~

* * *

GROUP HOUSING. A dwelling occupied by five or more individuals renting a bedroom or bed and shared living spaces with or without supervision. Group housing includes housing with services

establishments. Group housing does not include owner-occupied dwelling units meeting the definition of a functional household.

* * *

HOUSING WITH SERVICES [DWELLING UNIT] ESTABLISHMENT. An establishment~~[dwelling unit containing cooking, living, sanitary and sleeping facilities separated from other dwelling units of a housing with services establishment]~~ as defined by M.S. § 144D.01, subd. 4~~[(a)]~~, as it may be amended from time to time. ~~[See Article V of this Chapter 14 for licensing and inspection requirements for lodging establishments for housing with services rooms or beds.]~~

* * *

RENTAL HOUSING: A dwelling unit or group housing occupied pursuant to a rental lease.

RENTAL LEASE. A written contract between an owner, agent or manager, and a tenant~~[(s)]~~, whereby the tenant makes rent payments in order to occupy the dwelling unit, group housing, or accessory dwelling unit. The **RENTAL LEASE** also includes language that relates to the obligations of both parties to the contract and has the same meaning as a rental agreement.

* * *

TENANT. A person~~[(s)]~~ who rents a dwelling unit, bedroom or bed in group housing, or an accessory dwelling unit.

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DIVISION B: RENTAL HOUSING LICENSING

§ 14.569 LICENSE REQUIRED.

No person ~~[will]~~ is permitted to allow to be occupied, let or offered to let to another for occupancy, any dwelling unit or group housing unless the owner has first obtained a license [or provisional license] under the terms of this Article VIII. The practice of pre-leasing new rental construction is exempt from the provisions of this section.

§ 14.570 APPLICABILITY AND EXCEPTIONS.

(a) The provisions of this Article VIII apply to all rented multiple-family dwelling units, ~~[housing with services dwelling units,]~~ group housing, two-family dwelling units, single-~~[-]~~dwelling units or an accessory dwelling unit within owner-occupied dwellings, as well as to rented condominiums, townhouses and leasehold cooperative dwelling units~~[-]~~, as those terms are defined in M.S. § 273.124, subd. 6, as it may be amended from time to time; M.S. Chapters 515A and 515B, as they may be amended from time to time; state law; and this Article VIII.

(b) The provisions of this Article VIII do not apply to:

* * *

(5) Lodging establishments such as hotels, motels, ~~[boarding houses,]~~ kindergarten through grade 12 student dormitories, ~~[housing with services rooms or beds,]~~ and bed and breakfasts licensed under § 14.446 of this code. This exemption also applies to hotel manager dwelling units defined in § 19.03;

(6) Hospitals, nursing homes or other institutional beds or rooms used for human habitation where medical ~~[and/]~~ or mental health treatment services or both are provided and licensed by state or federal agencies concerning the safety of the users or patients;

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§ 14.571 APPLICATION FOR LICENSE.

Any owner who desires to rent~~[dwelling units within a multiple-family building(s),]~~ a single-~~[-]~~dwelling unit~~[(s)]~~, dwelling units within a multiple-family building, group housing or an accessory dwelling~~[(s)]~~ within a dwelling unit~~[-]~~, must first obtain a license per this Division B before doing so. Each license will be issued annually and will expire one year from the date of issuance. An application for renewal of a license and appropriate fee must be filed with the issuing authority before the expiration date. Any renewal license application and fee not received before the expiration date is assessed a late fee.

§ 14.572 ISSUANCE OF LICENSE.

A license will be issued by the issuing authority upon satisfaction of the following conditions:

* * *

(c) For all initial license applications, the multiple-~~[-]~~family building~~[(s)]~~, two-family dwelling units, single-family dwelling unit~~[(s)]~~, group housing, or accessory dwelling unit~~[(s)]~~ must first be inspected by

the Housing Inspector and the Housing Inspector finds that the requirements of the Rental Housing Code, city code and applicable state laws have been met.

§ 14.573 LICENSE FEE.

(a) The license fee is as set forth in § 14.03 of this code.

(b) No refund of the license fee will be made to a licensee discontinuing operation or who sells, transfers, gives away or otherwise disposes of a licensed building~~[(s)]~~, group housing or dwelling unit~~[-(s)]~~ to another person~~[-]~~, firm or corporation.

* * *

§ 14.574 [PROVISIONAL LICENSE.

~~—(a) The Housing Inspector may issue a provisional license to the owner of a rental dwelling who has submitted an application, paid the license fee and the Housing Inspector has conducted an initial inspection resulting in written orders to correct violations that do not prevent occupancy. A provisional license authorizes the continued occupancy of the rental dwelling unit (s) in actual existence, pending issuance of a rental dwelling license. A provisional license is valid for up to 180 days until a license is issued or it is determined that license requirements have not been met and the city will not issue a license.~~

~~—(b) The Housing Inspector may change an existing license to a provisional license when the Housing Inspector has conducted an inspection resulting in written orders to correct violations that do not prevent occupancy. A provisional license authorizes the continued occupancy of the rental dwelling unit (s) in actual existence, pending issuance of a rental dwelling license. A provisional license is valid for up to 180 days until a license is issued or it is determined that license requirements have not been met and the city will not issue a license.]~~**RESERVED.**

§ 14.575 RENTAL HISTORY.

The issuing authority must consider the applicant's rental property management history when making the determination to issue or renew a rental license. An applicant that has a majority ownership interest or management role in other rental properties that are, or have been in the preceding five years, suspended, or revoked~~[or placed in provisional license status]~~, will be ineligible for new or additional rental licenses for a period of five years from the suspension, or revocation~~[or issuance of the provisional license]~~. At the end of that five-year period of license ineligibility, upon re-application the applicant must demonstrate to the issuing authority and the Housing Inspector that the applicant is willing and able to manage the property in a manner that is consistent with the public health, safety and welfare and in compliance with all applicable laws. An applicant who is denied a rental license will receive written notice of the denial, the reasons therefore and the procedure by which the applicant may request a hearing before the City Council pursuant to § 14.578 of this Article VIII.

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§ 14.576 LICENSE NOT TRANSFERABLE.

A license issued pursuant to this Article VIII is for the property owner and the premises named on the approved license application. No transfer of a license is permitted from place to place or from the owner to another person or entity without complying with the requirements of an original application, except in the case in which an existing licensee is merely changing a business or corporate name or in the case in which an existing non-corporate licensee is incorporating and the incorporation does not affect the ownership or control of the property or rental business. Every licensee must give notice in writing to the issuing authority within three days after having legally transferred or otherwise disposed of the legal control of any licensed rental building~~[(s)]~~, dwelling unit~~[-(s)]~~, group housing or accessory dwelling unit~~[-(s)]~~. The notice must include the name and address of the person or legal entity succeeding to the ownership or control of such rental building~~[(s)]~~, dwelling unit~~[-(s)]~~, group housing or accessory dwelling unit~~[-(s)]~~.

§ 14.577 ILLEGAL RENTALS, OCCUPANCY LIMITS AND NO SUBLETTING.

An owner may adopt standards that reduce the maximum allowed occupancy of a dwelling unit or group housing from the standards set forth herein. The maximum permissible occupancy of any licensed rental dwelling unit or group housing is determined according to the 2012 International Property Maintenance Code and as follows.

(a) Not more than one family[-], except for temporary guests, [will]is allowed to occupy a licensed rental dwelling unit[-].

(b) No ~~[one]person~~ [will]is allowed to lease, license or agree to allow the occupancy, possession or tenancy of a licensed rental dwelling unit to more than four unrelated persons[-].

* * *

(d) No ~~[one]person~~ [will]is allowed to lease, license or agree to allow the use of a dwelling unit, or portion thereof, for transient lodging.

(e) No person is allowed to lease, license or agree to allow the occupancy, possession or tenancy of a licensed group housing to more persons than specifically registered under Minnesota Statute 144D, licensed under City Code Chapter 14, and permitted under City Code Chapter 21.

§ 14.578 DENIAL OF LICENSE.

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~~[(d) The recipient of a provisional license has not corrected violations to the Housing Inspector's satisfaction by the 180-day expiration date.]~~

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§ 14.579 DISPLAY OF LICENSE AND AVAILABILITY.

Licenses issued under this Division B must be prominently displayed on the interior of the licensed premises such as in a common area of a multiple-[-]family building, and produced upon the request of a tenant, prospective tenant, police officer or the Housing Inspector.

DIVISION C: REGULATIONS

§ 14.580 ADDITIONAL REGULATIONS FOR HEALTH, SAFETY AND MAINTENANCE.

This Division C specifically adopts the following additional requirements for health, safety and maintenance to the 2012 International Property Maintenance Code. Where differences occur between provisions of this Division C and the referenced standards, the provisions of this Division C apply.

(a) *Agent required.* Each licensee or owner of a rental [dwelling]housing within the city, when the licensee or owner does not reside within the seven county metro area comprising Hennepin, Carver, Scott, Dakota, Ramsey, Washington and Anoka Counties, must appoint an agent residing within the seven county area that the city may serve notices pertaining to this Article VIII or the city code. Notices served to the agent will be as effective as if made upon the licensee or owner. The licensee or owner must provide the issuing authority the full name, street address and telephone number of such agent~~[(s)]~~. A licensee or owner must provide written notice to the issuing authority, with the required information, whenever the agent for a licensed [dwelling-unit]rental housing ha[is] changed. The written notice must be provided to the issuing authority within 48 hours of such change.

(b) *Defacement of property ~~[and]for graffiti or both.~~* The city will use the requirements and procedures set forth in Chapter 12 of this code for defacement of property ~~[and]for graffiti or both.~~

(c) *Emergency numbers.* It is the responsibility of the owner to post, in a conspicuous location within each building, emergency numbers for the police, fire and the owner or agent responsible for the building with authority to take all necessary actions to deal with an emergency. The owner must also post the following information in the licensed rental housing[dwelling or accessory dwelling unit]:

Housing Inspections, Environmental Health Division, City of Bloomington, (952) 563-8934, Monday—Friday, 8:00 a.m. to 4:30 p.m. and e-mail envhealth@bloomingtonmn.gov.

* * *

(e) *Food preparation areas.* All dwelling units and group housing with five to ten tenants must be provided with an approved cooking appliance such as a stove top with an oven, an approved appliance for cold food storage such as a full-sized refrigerator, and an approved kitchen sink. Microwave and toaster-style ovens, dormitory-style refrigerators and bathroom hand washing sinks are not approved kitchen appliances. Group housing permitted to have eleven or more tenants are required to meet the food establishment requirements of Article V of this Chapter 14.

(f) *Garbage and recycling.*

(1) Every multiple-family dwelling and group housing, except those with curbside collection services as required in subsection (f)(2) below, must have and maintain in sanitary condition adequate facilities to accommodate the garbage and recycling needs of the dwelling units[-]. Such facilities must consist of containers with tight covers for storage; and the owner of such multiple dwellings is responsible for

providing collection service for both garbage and recycled materials in compliance with Chapter 10 of this code. Further, the garbage and recycling facilities must be in compliance with Chapter 19 and 21 of this code.

* * *

(g) *Heat supply.*

(1) Every owner of any ~~[building who rents one or more dwelling units or an accessory dwelling unit,]~~rental housing must furnish a supply of heat to the occupants thereof to maintain a temperature of not less than 68°F (20°C) in all habitable spaces, bathrooms and toilet rooms measured at three feet above the floor near the center of the room, regardless of the heating supply design capacity.

(2) Cooking appliances and unapproved portable space heaters must not be used as a means to provide required heating.

(h) ~~[Housing with services dwelling units. The Housing Inspector will enforce all applicable regulations of the state lodging code, Minnesota Rules Chapter 4625, as adopted in § 14.443 of this code, in addition to the International Property Maintenance Code and this Article VIII, in establishments registered with the State Department of Health as Housing with Services. See Article V of this Chapter 14 for licensing and inspection requirements for lodging establishments for housing with services rooms or beds.]RESERVED.~~

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(j) *Means of appeal.* The city will use the procedures set forth in Chapter [2]1, Article I, Civil Hearing Process of this code.

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(l) *Pest control.* The owner of the rental ~~[dwelling]~~housing is responsible for providing professional pest control services and must provide written documentation of such services when requested by the Housing Inspector.

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(n) *Smoke and carbon monoxide alarms.* The city enforces the requirements for carbon monoxide alarms found in M.S. 299F.50 and 299F.51, as they may be amended from time to time. Smoke and carbon monoxide alarms provided in licensed rental ~~[dwelling units]~~housing must be those designed with a test button that when pressed tests the function of the alarm.

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DIVISION D: CRIME-FREE RENTAL HOUSING

§ 14.581 PURPOSE.

The City Council finds that repeated police calls to certain rental ~~[dwelling units]~~housing in the city occupied by persons with criminal histories have taxed law enforcement resources. The City Council also finds that persons residing in rental ~~[dwelling units]~~housing who engage in disorderly conduct or cause nuisance conditions create a hostile environment for others living in close proximity, thereby threatening the public safety. In order to preserve and protect the city's neighborhoods and to promote public safety, the City Council enacts this Division D of the city code.

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§ 14.583 TENANT REGISTER REQUIRED.

The owner of a rental property licensed under this Article VIII must, as a continuing obligation of the rental license, maintain a current register of tenants and other persons who have a lawful right to occupy a specific licensed dwelling unit within the multiple-~~[]~~family building, two-family building, ~~[or]~~single-family dwelling, or a specific bed or bedroom within group housing. In the rental license application, the applicant must designate the person or persons who will have possession of the register; and must promptly notify the issuing authority of any change of the identity, address or telephone numbers of such persons~~[]~~. The register must be available for inspection by the police or Housing Inspector at all times.

§ 14.584 DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS LEASE PROVISIONS REQUIRED.

Owners of rent~~[ed]~~al housing ~~[dwellings or accessory dwelling unit]~~licensed under this Article VII must only allow occupancy of the ~~[dwelling after]~~rental housing pursuant to a written tenant lease with a term of at least 30 days, which has been signed by both the owner or owner's designee and the tenant~~[s]~~. All tenant leases must include a disorderly behavior and nuisance conditions addendum prohibiting disorderly behavior and nuisance conditions identified in § 14.585. The disorderly behavior and nuisance

conditions addendum must be incorporated into every new or renewed lease for a tenancy beginning January 1, 2015.

§ 14.585 DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS AT LICENSED RENTAL [DWELLINGS]HOUSING.

(a) It is the owner's responsibility to ensure the tenants, the tenant's family members and the guests of any tenant or tenant's family member do not engage in disorderly behavior or create nuisance conditions in the rental [dwelling-unit]housing. For the purposes of this section, **RENTAL [DWELLING UNIT]HOUSING** includes the unit the tenant, family member or guest occupy and the common areas in and outside of the building where the rental [dwelling-unit]housing is located.

(b) For the purposes of this section, disorderly behavior and nuisance conditions may include, but are not limited to, the following:

(1) Drug-related illegal activity in the rental dwelling unit[~~]~~. **DRUG-RELATED ILLEGAL ACTIVITY** means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per M.S. § 152.092, as it may be amended from time to time;

(2) Acts of violence or threats of violence including, but not limited to, discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, manager, agent[~~]~~, other tenants, tenant's[~~]~~ family members, guests or neighboring property owners.

* * *

(c) For the purposes of verifying instances of disorderly conduct in violation of this section, the following are exceptions:

(1) An "emergency call," within the definition of M.S. § 609.78, subd. 3, as it may be amended from time to time, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the victim and suspect are "[~~]~~family or household members" as defined in the Domestic Abuse Act, M.S. § 518B 01, subd. 2(b), as it may be amended from time to time, and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, M.S. § 518B 01, subd. 2(a), as it may be amended from time to time; and

* * *

§ 14.586 DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS VIOLATION NOTICES.

(a) *First instance.* Upon determination by the police or Housing Inspector that a rental [dwelling-unit]housing was the location of disorderly behavior or nuisance conditions in violation of this Division D, the police or Housing Inspector will notify by first class mail the owner and tenant of the violation and direct the owner to take steps to prevent further disorderly behavior or nuisance conditions. Civil fines may also be issued.

(b) *Second instance.* If a second instance of disorderly behavior or nuisance conditions occurs at a rental [dwelling-unit]housing within 24 months after the first instance of disorderly behavior or nuisance conditions at the same unit for the same tenant[~~(s)~~] or guest[~~(s)~~] of the same tenant[~~(s)~~], the police or Housing Inspector will notify by first class mail the owner and tenant of the violation and direct the owner to submit, within ten days of the date of the notice, a written report of all actions taken by the owner since the violation notice and actions he/she intends to take to prevent further disorderly behavior or nuisance conditions. Civil fines may also be issued.

(c) *Third instance.* If a third instance of disorderly behavior or nuisance conditions occurs at a rental [dwelling-unit]housing within 24 months after the second notice of disorderly behavior or nuisance conditions at the same unit for the same tenant[~~(s)~~] or guest[~~(s)~~] of the same tenant[~~(s)~~], the rental [dwelling-unit]housing license may be revoked, suspended or not renewed by the City Council upon the recommendation of the police or Housing Inspector. The police or Housing Inspector makes the decision to recommend revocation, suspension or non-renewal of the license and submit the recommendation to the City Council within 15 days of the third instance of disorderly behavior or nuisance conditions. Civil fines may also be issued.

§ 14.587 POSTPONING LICENSE ACTIONS.

No adverse license action will be imposed where the instance of disorderly behavior or nuisance conditions occurred during pending eviction proceedings or within 30 days of notice given by the owner to

a tenant to vacate the rental ~~[dwelling-unit]~~housing. However, adverse license action may proceed when the owner fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this Division D may be postponed or discontinued at any time if the owner has taken appropriate measures, which will prevent further instances of disorderly behavior and nuisance conditions, which may include a failed eviction process.

§ 14.588 DETERMINING DISORDERLY BEHAVIOR OR NUISANCE CONDITIONS.

A determination that the rental ~~[dwelling-unit]~~housing has been the location of disorderly behavior or nuisance conditions is based upon a preponderance of the evidence and is not dependent upon the filing or conviction of criminal charges. Civil enforcement actions provided in this Division D are non-exclusive. Nothing in this Division D may be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, license sanctions, criminal, civil and injunctive actions. In addition, violations or failure to pay civil fines may result in future license ineligibility.

DIVISION E: INSPECTIONS AND ENFORCEMENT

§ 14.590 POSTING TO PREVENT OCCUPANCY.

Whenever any rental ~~[dwelling-unit]~~housing has no license; has been denied an initial license; had its license revoked, suspended, denied or not renewed; or the unit has been condemned as unfit for occupancy, the unit will be posted by the Housing Inspector to prevent further occupancy. No person[-], other than the Housing Inspector, may remove or alter any posting. The Housing Inspector will post the date the rental ~~[dwelling-unit]~~housing must be vacated and no person may reside in, occupy or cause to be occupied that rental ~~[dwelling-unit]~~housing until the Housing Inspector permits it.

§ 14.591 INSPECTIONS.

The issuing authority, Police Department and Housing Inspector are authorized as a condition of licensure to make inspections and examinations of the licensed ~~[dwelling-unit(s)]~~rental housing and common areas as are reasonably necessary for the enforcement of this Article VIII of the city code. The owner is responsible for notifying the tenants and obtaining consent to enter their units for inspections. The owner and tenants must facilitate access to all portions of the licensed premises at any reasonable time for the purpose of inspection and must exhibit and facilitate copying of any records deemed necessary by the issuing authority, Police Department or Housing Inspector to ascertain compliance with this Article VIII of city code and for public health and safety. The owner or agent must be available for discussion of conditions during the inspection. No person may interfere with or hinder the issuing authority, Police Department or Housing Inspector in the performance of their duties or refuse to permit inspections under this Article VIII. The issuing authority or Housing Inspector notifies the owner or agent of the licensed rental housing~~[dwelling or accessory dwelling unit]~~ in writing of any violations. The notice directs that compliance be made by a specified date, subject to extension by the Housing Inspector based on good cause. The failure to remove or correct each noted violation in the notice within the time period noted constitutes a separate violation for each day the violation continues to exist.

§ 14.592 ENFORCEMENT AND RE-INSPECTION FEES.

If the Housing Inspector determines that the licensed rental housing~~[dwelling or accessory dwelling unit]~~ violates any requirements of this Article VIII or any other article, division or section of this code or applicable state laws, the Housing Inspector provides written notice to the owner ~~[and]~~or agent or both of the licensed rental housing~~[dwelling or accessory dwelling unit]~~ in violation stating the nature of the violations and a deadline for correcting the violations. If upon re-inspection of the licensed premises it is determined that compliance with the notice to correct conditions was not achieved and that a second follow-up inspection is necessary, the Housing Inspector will issue a civil citation in the amount of the re-inspection fee as set forth in the city's civil fine schedule. Failure to pay the fee will result in a late fee subject to assessment pursuant to § 1.19 of this city code. The Housing Inspector may issue orders to correct conditions followed by an administrative citation pursuant to §§ 1.10 through 1.19 of this city code to the owner ~~[and]~~or agent or both of the property in violation. In addition, the city may initiate appropriate civil ~~[and]~~or criminal or both actions upon failure of an owner to correct any violation of the city code or applicable state laws, rules or regulations. Failure to pay outstanding civil fines or fees may result in future license ineligibility.

§ 14.593 SELF-INSPECTION.

Owners of licensed rental property must have a self-inspection procedure with written documentation of inspections completed as evidence of maintenance and safety inspections for all units occurring before a new tenant moves in, when an existing tenant moves out and at least once every 12 months at a minimum. In addition, owners of licensed rental multiple-family buildings must have in place a preventative maintenance program to include a self-inspection procedure with written documentation of inspections completed as evidence of maintenance, cleaning and safety inspections occurring at a minimum of once a week for common areas of the interior and exterior of the property.
* * *

Section 2. That Schedule of Civil Fines for Administrative Offenses under Chapter 1, Article II of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

**SCHEDULE OF CIVIL FINES
FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,
ARTICLE II OF THE CITY CODE**

ADMINISTRATIVE OFFENSE

FINE

* * *

Rental Housing Code Chapter 14, Article VIII Violations

* * *

Specific:

* * *

Rent~~[at]~~ing [~~of Dwelling Unit~~] Without a License (14.569) \$1000.00

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney

Passed 7/24/17