

CITY OF BLAINE

ORDINANCE NO. 07-2122

AN ORDINANCE DELETING SECTION 18-322 FROM ARTICLE VIII OF CHAPTER 18 OF THE BLAINE CITY CODE, AND ADDING ARTICLE X TO CHAPTER 18 OF THE BLAINE CITY CODE, RELATING TO LICENSES FOR RENTAL DWELLINGS

THE CITY OF BLAINE DOES ORDAIN:(Added portions are underscored and deleted portions are shown in brackets with overstrike.)

~~[Sec. 18-322. Licensing of rental units~~

~~(a) Required; period; renewal; enforcing against owner-occupant. To allow for a systematic enforcement of this article upon rental dwellings, no person shall, after the enactment of ordinance from which the article is derived, operate a rental dwelling without first having obtained a license to do so from the city, as provided in this section. Each such operating license shall be issued annually and shall expire on the anniversary date of issuance. License renewals shall be filed at least 60 days prior to the license expiration date. If an impairment should occur in an owner-occupied dwelling that threatens the health, safety, and welfare of the occupants or adjacent property owners/renters, and if the impairment is a violation of section 18-343, the city is empowered to enforce this article.~~

~~(b) Conformance prerequisite to issuance. No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of the city and the laws of the state.~~

~~(c) License fees. The annual license fee and expiration date shall be as established by action of the council.~~

~~(d) Owner or agent to apply. License application or renewal application shall be made by the owner of rental units or the owner's legally constitute agent. Application forms may be acquired from and subsequently filed with the city inspector.~~

~~(e) Resident agent required. No operating license shall be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following state counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington), unless such owner designates in writing to the city inspector the name of such owner's resident agent, (one who does reside in any of the following counties: Hennepin, Anoka, Ramsey, Carver, Dakota, Scott or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the city ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The city inspector shall be notified in writing of any change of resident agent. This requirement may be waived if, in the city inspector's determination, the owner not living in one of the specified counties, is nonetheless sufficiently accessible for the purposes of this article.~~

~~(f) *Agreement to allow inspection.* No operating license shall be issued or renewed unless the owner of rental units agrees in the application to permit inspection pursuant to Section 18-321.~~

~~(g) *Posting of license.* Every licensee of a rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective rental dwelling.~~

~~(h) *Transfer of license.* No operating license shall be transferable to another rental dwelling. No operating license shall be transferable to another person without approval of the city council. Every person holding an operating license shall give notice in writing to the city inspector within five business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling.~~

~~(i) *License suspension or revocation.* Every operating license issued under the provisions of this article is subject to suspension or revocation by the council should the licensed owner, or the duly authorized resident agent, fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinances of the city and the laws of the state. If an operating license is suspended or revoked by the council for just cause, it shall be unlawful for the owner or duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated units until such time as a valid operating license has been restored by the council. ]~~

## **ARTICLE X. LICENSES FOR RENTAL DWELLINGS**

### **Sec. 18-501. License Required/Definitions.**

(a) *License.* No person shall allow to be occupied or let to another for occupancy a unit or units in a rental dwelling for which a license has not been granted by the City.

(b) *Definitions.* Unless otherwise expressly stated, the following terms shall, for the purposes of this article, have the following meanings:

(1) *Rental Dwelling.* Any structure or portion thereof which is designated or used for residential occupancy by one or more persons who are not the owner or a member of the owner's family.

(2) *Family.* One or two persons or parents, with their direct lineal descendents and adopted or legally cared for children together with not more than two persons not so related, living together in the whole or part of a rental dwelling comprising a single housekeeping unit.

**Sec. 18-502. Application.**

(a) Before any license shall be issued or renewed, the owner of the rental dwelling shall complete an application. The following persons shall be authorized to sign and submit the application:

(1) If the owner is a natural person, by the owner thereof.

(2) If the owner is a corporation, by an officer thereof.

(3) If the owner is a partnership, by a partner thereof.

(b) The application shall be made on a form prescribed by the City and shall include:

(1) The name and address of the owner of the rental dwelling.

(2) The name and address of any operator or agent actively managing the rental dwelling.

(3) If the operator or agent is a business entity, the application shall include the names, telephone numbers and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.

(4) If the applicant is a corporation, the name and address of all officers.

(5) If the applicant is a partnership, the name and address of all partners.

(6) If the rental dwelling is being sold on a contract for deed, the name and address of the vendees.

(7) The legal address of the rental dwelling.

(8) Owner, agent or manager that notices of violation should be directed to pursuant to this ordinance.

**Sec. 18-503. License Issuance.**

The City shall issue a license if the building and the application are found to be in compliance with the provisions of this Chapter provided that all real estate taxes and municipal utility bills for the premises have been paid. Real estate taxes will not be considered to be unpaid for purposes of this Section while a proper and timely appeal of such taxes is pending.

**Sec. 18-504. Term of License.**

Licenses will be issued for a one year period and the license term shall commence on June 1.

**Sec. 18-505. License Fees.**

The license fees shall be established by resolution. The license fee shall be collected for each building and unit in a rental dwelling.

- (1) If an application for a license is made after its due date May 1<sup>st</sup> a late fee as established by resolution, will be added to the initial license fee. For each subsequent 30-day period an additional late fee will be imposed.

**Sec. 18-506. Posting of License.**

The licensee shall post a copy of the license in a conspicuous public corridor or hallway or lobby of the licensed rental dwelling.

**Sec. 18-507. Transfer of License.**

A license is transferable for a fee to any person who has actually acquired legal ownership of the rental dwelling. The transfer shall be effective for the unexpired portion of the license period, provided that a transfer application is filed with the City prior to the actual change of legal ownership and that the transferee is not disqualified from holding the license. A license shall terminate upon an owners failure to apply for a transfer prior to change of legal ownership. The fee for the license transfer shall be established by resolution.

**Sec. 18-508. Conduct on Licensed Premises.**

- (a) *Disorderly Premises.* The licensee shall be responsible for ensuring that persons occupying or present at the rental dwelling conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this Section, a premises is disorderly if any of the following occur:
  - (1) Violation of Section 50-141 (Disorderly House) of the City Code or Minnesota Statutes, Section 609.72.
  - (2) Violation of laws relating to the possession of controlled substances as defined in Minnesota Statutes Section 152.01, Subdivision 4.
  - (3) The unlawful possession or sale of intoxicating liquor or 3.2 percent malt liquor.
  - (4) Violation of laws relating to gambling.
  - (5) Violation of laws relating to prostitution as defined in Minnesota Statutes, Section 609.321, Subdivision 9, or acts relating to prostitution.
  - (6) Unlawful use or possession of a firearm or weapon in violation of Chapter 50, Article III, Division 2 of the City Code or Minnesota Statutes, Section 609.66, Subdivision 1a, 609.67 or 624.713.

- (7) Violation of Minnesota Statutes, Section 609.705 (Unlawful Assembly).
  - (8) Violation of Minnesota Statutes, Section 609.71 (Riot).
  - (9) Violation of Minnesota Statutes, Section 609.713 (Terrorist Threat).
  - (10) Violation of Minnesota Statutes, Section 609.715 (Presence at Unlawful Assembly).
  - (11) Any other conduct deemed disorderly by the City Manager or designee.
- (b) *Enforcement Authority.* The City Manager or designee shall be responsible for enforcement and administration of this Article. Authority to take any action authorized by this Article may be delegated to the City Manager's authorized designee.
- (c) *Notice of Violation.* Upon determination by the City that a rental dwelling was deemed to be a disorderly premises, notice of the violation shall be given to the licensee or designee. The notice shall include a directive for the licensee to take steps to prevent further violations. All notices given by the City under this Section shall be served on the licensee or designee, sent by mail to the licensee's last known address, or, by posting the notice in a conspicuous place at the rental dwelling.
- (d) *Second Instance.* If a second instance of a disorderly premises occurs within the annual license term the City shall notify the licensee or designee 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 five days of receipt of the notice of disorderly premises and shall detail all actions taken by the licensee in response to all notices of disorderly premises within the license term.
- (e) *Third Instance.* If a third instance of a disorderly premises occurs within the annual license term the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed in accordance with Section 18-509.
- (f) *Instances Defined.* For purposes of this Section, second and third instances of disorderly premises shall be those which:
- (1) Occur at the same rental dwelling unit; or
  - (2) Involve tenants at the same rental dwelling unit; or
  - (3) Involve guests or invitees at the same rental dwelling unit; or
  - (4) Involve guests or invitees of the same tenant; or
  - (5) Involve the same tenant.

- (g) Eviction Proceedings. No adverse license action shall be imposed where the instance of disorderly premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty days of notice given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to license action, however, unless they are being diligently pursued by the licensee.
- (h) Evidence of Disorderly Premises. A determination of disorderly premises shall be made upon substantial evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly premises. Moreover, a dismissal or acquittal of any such criminal charge will not operate as a bar to license action under this Article.
- (i) Council Action Not Exclusive. Enforcement actions provided in this Article shall not be exclusive. The City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the City Code or State Law.

**Sec. 18-509. Suspension, Revocation, Denial, Non-Renewal.**

- (a) An action to deny, revoke, suspend, or not renew a license under this Article shall be initiated by the City by giving written notice to the licensee of a hearing before the City Council to consider such denial, revocation, suspension or non-renewal. The written notice shall specify all violations and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten days and no more than thirty days after giving the notice. In such hearing the City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply with City requirements. Following the hearing, the City Council in its sole discretion may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the rental dwelling, or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this Article. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this Article may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. The City Council shall issue its decision upon written findings.
- (b) Reason for Action. The City Council may revoke, suspend, deny or decline to renew any license issued under this Article upon any grounds it deems appropriate including, but not limited to, the following:
- (1) False statements on any application or other information or report required by this Article to be given by the applicant or licensee.
  - (2) Failure to pay any application fee, penalty, re-inspection, or reinstatement fee required by this Article and resolutions.

(3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.

(4) Any other violation of this Article.

(c) Reinstatement of License. Upon a decision to revoke, deny, or not renew a license, no new application for the same rental dwelling will be accepted for a period of time specified in the written decision of the City Council, not exceeding one year. Any such new application must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this Article.

(d) No New Rentals. A written decision to revoke, suspend, deny, or not renew a license shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension or non-renewal of a license shall not excuse the owner of a rental dwelling from compliance with the terms of this Article for any other unit or units in the rental dwelling which remain occupied.

(e) Failure to Comply. Failure to comply with any term of this Article during a period of revocation, suspension, or non-renewal is a misdemeanor and is also grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or non-renewal specified in the City Council's written decision.

**Sec. 18-510. No Retaliation.**

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This Section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

INTRODUCED AND READ in full this 15<sup>th</sup> day of February, 2007.

PASSED by the City Council of the City of Blaine this 8<sup>th</sup> day of March, 2007.

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Tom Ryan, Mayor

ATTEST:

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Catherine Ekstrand, Deputy City Clerk