

CITY OF LAUDERDALE
ORDINANCE NO. 22-02

An Ordinance Amending Title 9, Chapter 11 of the
Code of Ordinances Regarding Rental Housing Provisions

The city council of the city of Lauderdale ordains as follows:

SECTION 1. The Lauderdale City Code is amended by deleting the ~~stricken material~~ and adding the underlined material as follows:

CITY OF LAUDERDALE

CHAPTER 11
RENTAL HOUSING PROVISIONS

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9-11-1 PURPOSE.

It is the purpose of this chapter to protect the public health, safety, and welfare of the community at large and the residents of rental dwellings in the city of Lauderdale and to ensure that rental housing in the city is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure, and

sanitary; free from nuisances; and free from unreasonable fears about safety of persons and security of property.

9-11-2 APPLICABILITY; SCOPE.

This chapter applies to rental dwellings and units in the city that are rented or leased in whole or in part, including single family and multifamily housing, town houses, and condominiums. It also includes any accessory structures on the premises upon which the rental dwelling is located (such as garages, storage buildings, appurtenances, sidewalks, and retaining walls). This chapter does not apply to Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed group homes; nursing homes; hotels; motels; properties that have homestead classification with Ramsey County; or owner-occupied ~~residential properties unless the owner lets a dwelling unit on the premises.~~

9-11-3 ADOPTION OF PROPERTY MAINTENANCE CODE.

The most recently promulgated edition of the International Property Maintenance Code, as published by the International Code Council, is adopted by reference and incorporated in its entirety as if it was set out in full, except that any provisions of the city code that directly conflict with the provisions of the International Property Maintenance Code shall control only to the extent they conflict. Nothing in this chapter or the International Property Maintenance Code shall be construed to cancel, modify, or set aside any other express provision of the city code.

9-11-4 DEFINITIONS.

“Building official” means the building inspector or a designated agent authorized by the city council.

“City” means the city of Lauderdale.

“City administrator” means the city administrator or that person’s designated agent.

“City code” means the Lauderdale city code of ordinances.

“City council” means the city council of the city of Lauderdale.

“Deny” or “denial” means the refusal by the city council to grant a license to a new or renewing applicant.

“Habitable space” means the space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage and utility spaces, and similar areas are not considered habitable spaces.

“Lease” means an agreement between an owner and a tenant for use of a rental dwelling or unit.

“Let for occupancy” or “let” means to permit possession or occupancy of a rental dwelling or unit by a person who is not the legal owner of record thereof, pursuant to a lease or contract whether written or unwritten, or pursuant to a recorded or unrecorded agreement regardless of whether a fee is required by the agreement.

“License” means the formal approval of an activity specified on the certificate of license issued by the city.

“Multiple family dwelling” means a rental dwelling containing three or more units.

“Occupant” or “tenant” means any person who is occupying a rental dwelling unit under a lease or contract, whether oral or written.

“Owner” means any person, agent, operator, firm, or corporation having a legal or equitable interest in a property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner. In any corporation or partnership, the term owner includes general partners and corporate officers.

“Premises” means a lot, plot, or parcel of land including, but not limited to, the building or structures thereon.

“Registered agent” means any person who has charge, care, or control of a rental dwelling unit on behalf of the owner including, but not limited to, a property manager or local agent.

“Rent” means to let for occupancy or to let.

“Rental dwelling” means any building containing one or more units that are made available for rent by the owner.

“Revoke” or “revocation” means to take back a license issued by the city.

“Suspend” or “suspension” means to make a license temporarily inoperative.

“Unit” means any room or rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

9-11-5 ENFORCEMENT OFFICER.

The building official is authorized and directed to enforce all provisions of this chapter, subject to review by the city council.

9-11-6 OWNER RESPONSIBILITIES.

- A. Owner Responsible. Every owner of a rental dwelling is responsible for violations of duties and obligations imposed by this chapter even if the duty or obligation is also imposed on the occupant(s) of the rental dwelling or unit, or if the owner, by agreement, has imposed on the occupant(s) the duty of making sure that the rental dwelling or unit complies with the requirements of this chapter, applicable provisions of the city code, state law, and the International Property Maintenance Code. Additionally, an owner is responsible for complying with the provisions of this chapter irrespective of whether the owner has delegated responsibilities to a registered agent.
- B. Cleanliness. Every owner of a rental dwelling is responsible for keeping the premises, including any shared or common areas in a multiple family dwelling, in a clean, sanitary, and safe condition and in conformance with this chapter, applicable provisions of the city code, and the International Property Maintenance Code. ~~The owner of a rental dwelling is responsible for ensuring that all rubbish, garbage, and waste is collected as required by city code.~~
- C. Occupancy. The owner or its registered agent may not rent a rental dwelling or a unit to more people than permitted by this paragraph. Every living room shall contain at least 120 square feet. Bedrooms shall contain at least 70 square feet for the first occupant and an additional 50 square feet for each additional occupant. A bedroom shall not constitute the only means of access to another bedroom or habitable space and shall not serve as the only means of egress from another bedroom or habitable space.

9-11-7 CRIME FREE HOUSING PROGRAM.

- A. Purpose. The city council finds that repeated police calls to rental dwellings in the city related to disturbances or criminal activity have taxed law enforcement resources. The city council also finds that persons residing in rental dwelling units who engage in disorderly conduct or cause nuisance conditions create an unacceptable environment for others living in close proximity, thereby threatening the public safety and welfare of the community. In order to preserve and protect the city's neighborhoods and to promote public safety, the city council enacts this section (the "Crime Free Housing Program").
- B. Tenant Background Checks. The owner or registered agent shall conduct criminal background checks covering at least three years on all prospective

tenants 18 years and older. The owner, licensee, or its registered agent shall retain criminal background information for at least one year after the date of the check or, if the subject of the check becomes a tenant of the licensed premises, one year after the subject of the check has ceased to be a tenant. Such information must be made available for inspection within 10 days of a written request by the city. The criminal background check must include the following:

- a. A statewide (Minnesota) criminal history check of all prospective tenants covering at least the last three years; the check must be done utilizing the most recent update of the state criminal history files;
- b. A statewide criminal history check from the tenants' previous state of residence if the tenant is moving directly from the previous state; and
- c. A criminal history check of any prospective tenant in their previous states of residence, unless not allowed, covering at least the last three years if they have not resided in Minnesota for three years or longer.

C. Crime Free Housing Lease Provisions. All tenant leases for rental dwelling units governed by this chapter shall contain certain written crime free housing lease provisions. The crime free housing lease provisions are in addition to all other terms of the lease and do not limit or replace any other provisions. These lease provisions shall be incorporated into every new and renewed lease for a tenancy. The lease provisions shall contain the following language or language that is a contractual and legal equivalent of the following language:

- a. Tenant, any members of the tenant's household or a guest or other person under the tenant's control shall not engage in illegal activity, including drug-related illegal activity, on or near the premises. "Drug related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802) or possession of drug paraphernalia.
- b. Tenant, any members of the tenant's household or a guest or any other person under the tenant's control shall not engage in any act intended to facilitate illegal activity, including drug related illegal activity or the storage of stolen property, on or near the premises;
- c. Tenants, any members of the tenant's household or a guest or any other person under the tenant's control will not permit the dwelling unit to be used for, or to facilitate illegal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household;

d. Tenant, any members of the tenant's household or a guest or any other person under the tenant's control shall not engage in the manufacture, sale, possession or distribution of illegal drugs at any location, whether on or near the dwelling unit premises or otherwise.

e. Tenant, any members of the tenant's household or a guest or any other person under the tenant's control shall not engage in acts of violence or threats of violence, including but not limited to the unlawful discharge of firearms, prostitution, criminal street gang activity, intimidation, or any other breach of the rental agreement that otherwise jeopardizes the health, safety or welfare of the owner, his agents or tenants, whether on or near the dwelling unit premises or otherwise.

f. Violations of the above provisions shall be a material violation of the lease and good cause for termination of tenancy. A single violation of any of the provisions of this agreement shall be deemed a serious violation and material non-compliance with the lease.

D. Lease Made Available. The owner or registered agent, if applicable, shall, within ten days of the city's written request, make available to the city a copy of the lease or agreement containing the provisions required in section 9-11-7(C). The city shall make the request via U.S. Mail to the owner or registered agent. Said person is deemed to have received the request three days after the request is mailed. The owner or registered agent shall provide the lease within 10 business days of the request. Failure to provide the lease within the allotted time shall subject the owner to suspension, revocation, or non-renewal of its rental license, at the discretion of the city council in accordance with section 9-11-12, and an administrative service fee in the amount of \$25 per day. ~~If after one month, the lease is not received, or does not exist, the rental license may be suspended, revoked, or not renewed by the city council.~~ License renewals will not be approved until any outstanding administrative penalties are paid in full.

E. Crime Free Housing Program Violations.

a. Upon determination by the city or its police department by a preponderance of the evidence that a licensed premises or rental dwelling unit within a licensed premises was used in violation of the crime free lease provisions required by this section, the city shall cause notice to be made to the owner or registered agent of the violation. If the violation of the crime free lease provisions committed on the licensed premises would rise to the level of a felony charge under state or federal law, regardless of whether charges were filed, the city shall cause notice to be made to the owner and registered agent to proceed with termination of the tenancy of all tenants occupying the unit. If the violation of the crime free lease provisions

committed on the licensed premises would rise to the level of a misdemeanor or gross misdemeanor charge under applicable law, the city may cause notice to be made to the owner and registered agent to proceed with termination of the tenancy of all tenants occupying the unit if the violation threatens the peaceful enjoyment or safety of any other resident or neighbor to the premises.

b. Written Notice; Hearing. Any determination by the city for the termination of tenant's lease based on a violation of the crime free lease provisions shall be preceded by written notice to the owner and registered agent, if applicable, of the grounds therefore and the owner will be given an opportunity to challenge the determination at a hearing conducted before the city council prior to termination of the tenancy by the owner. The licensee shall request the hearing within 10 days after receipt of the city's notification of the termination of the tenancy and the hearing shall be conducted in the manner provided for in section 9-11-12.

In the event a hearing is requested by the owner, a determination that a licensed premises or any particular dwelling unit has been the location of a violation of the crime free lease provisions shall be made upon a finding of fact by the city council by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support such finding, nor shall the dismissal or acquittal of such criminal charge operate as a bar to any action under this section.

In the event a hearing is not requested by the owner, the owner or registered agent, if applicable, shall notify the tenant or tenants within 20 days of the notice of violation of the crime free lease provisions and advise the tenant(s) of the termination of the tenancy as directed by the city.

c. The owner shall not enter into a new lease with an evicted tenant (or with a tenant whose tenancy was otherwise terminated for violating the crime free lease language) for a period of one year after the eviction or lease termination for a rental dwelling unit that is owned or operated by the licensee in the city.

d. If the city determines that the owner or registered agent has proceeded in good faith to secure termination of the tenancy in accordance with this section, but was unsuccessful for reasons beyond their reasonable control, then the owner shall not be subject to the penalties.

| 9-11-78 TENANT RESPONSIBILITIES.

| A. Access. When required by Minnesota Statutes or city code, each tenant of a rental dwelling unit shall give the owner or registered agent, or the building official access to any part of such rental dwelling unit at reasonable times

for the purpose of inspection, maintenance, repairs, and alterations as are necessary to comply with the provisions of this article.

- B. Compliance. Every tenant must comply with applicable city code provisions and all applicable local, state, and federal regulations. A tenant is responsible for compliance with all applicable city code, nuisance, and violations of disorderly conduct as specified in this chapter that occur in the dwelling unit, including violations committed by household members or guests.
- C. No Occupancy. If the owner or registered agent informs the tenant(s) at least 30 days in advance of the expiration of the license that the owner does not intend to renew the license, occupancy of the rental dwelling or unit by a tenant after the expiration of the license is unlawful. A violation of this provision by a duly notified tenant is punishable as a misdemeanor.

9-11-89 LICENSING PROVISIONS.

A. License Required.

1. It is unlawful to rent a rental dwelling unit in the city without first having obtained a license from the city. An owner must obtain a license for each rental dwelling prior to renting any units in said dwelling. If the rental dwelling contains two or more units, the owner may obtain a single license for the rental dwelling. The license requirement contained herein does not apply to rental dwelling units located within properties that are expressly deemed as exempt from this chapter in section 9-11-2.

2. An owner whose ~~only~~ rental dwelling is a single-family home registered as a relative homestead with Ramsey County is exempt from the requirements of this chapter if the owner provides the city with documentation from Ramsey County of the relative homestead status. If the owner is not a natural person, the owner may file an affidavit of exemption with the city stating at least one family member resides at the address. For purposes of this ordinance, relative is defined by Minnesota Statutes, Section, 273.124, Subd. 1(c), as may be amended from time to time. The relative residing at the address shall provide the city with a valid Minnesota driver's license, Minnesota identification card, Minnesota learner's permit, or a receipt for any of these, or tribal identification with name, address, photo, and signature showing Lauderdale as their place of residence. The person filing for exemption from the licensing provisions must demonstrate their ownership interest in the property.

B. License Application. The owner of a rental dwelling must submit an application for a license on forms and in the format provided by the city. The owner must give notice, in writing, to the city within 30 calendar days

of any changes to the information contained in a previously submitted license application. The application must include:

1. the owner's name, mailing address for city correspondence, email address, telephone number, owning partners if a partnership, and corporate officers if a corporation.
2. the street address and unit numbers, if applicable, of the rental dwelling.
3. the type and number of units in the rental dwelling.
4. the type of structure to be licensed.
5. the name, mailing address, email address, and telephone number of the registered agent that is authorized to act on behalf of the owner, if applicable.
6. Certification of compliance with the requirement found in 9-11-7(C) to include crime free housing provisions in leases.
7. Certification of compliance with the requirement found in 9-11-7(B) for conducting background checks on prospective tenants effective with leases starting July 1, 2018.

C. License Fee. Before a license may be issued or renewed, the owner shall pay the applicable license fee, the amount of which will be determined by the city council and included in its fee schedule. The license fee shall not be prorated.

D. License Period. ~~(a)~~ The license period is for two years and runs from July 1 to June 30. The license must be renewed biennially.

~~(b) Notwithstanding paragraph (a), any license issued or renewed based upon an inspection for a 2017 rental housing license will receive a license that will terminate on June 30, 2019.~~

E. Inspection; License Issuance.

1. Inspection; Fees and Taxes. Prior to issuing a new license or license renewal, the building official shall inspect the rental dwelling to determine compliance with this chapter, city code, state law, and the International Property Maintenance Code. The ~~city administrator~~building official will review the application for completeness and determine whether all fees, real estate taxes, and municipal utilities are paid and current. A

license may not be issued if the application is incomplete or fees, real estate taxes, or municipal utilities are past due.

2. Issuance. If it is determined that all requirements contained in this chapter are satisfied, the city will issue a license to the owner. A license may contain reasonable conditions or restrictions.

- F. Posting of License. The owner shall post a copy of the license in the rental dwelling in a conspicuous place within 14 calendar days of receipt. In multiple dwelling units, the license shall be posted in a common area of the building such as a corridor, hallway or lobby.
- G. Renewal of License. A license must be renewed before the expiration of the current license. In order to prevent lapses in licensure, license renewal applications and fees must be submitted to the city administrator at least 45 days prior to the current license's expiration date. It shall be unlawful for the owner or registered agent to permit the occupancy of a rental dwelling unit during a period of non-licensure. In addition to any other remedy provided by law, operating a rental dwelling without a license shall subject the owner to a daily administrative penalty, as determined by the city council and included in its fee schedule. License renewals will not be approved until any outstanding administrative penalties are paid in full.
- H. Non-renewal of License. In addition to any other requirements imposed by state law or a lease agreement, the owner or registered agent shall inform the tenant(s) at least 30 days in advance of the expiration of the license that the owner does not intend to renew the license.
- I. Non-Transferable. Rental dwelling licenses issued under this chapter are not transferable. Any change in ownership of a rental dwelling or premises requires a new license. When a licensed rental dwelling changes ownership, a new license must be applied for within 30 days of the change in ownership.
- J. Registered Agent Required. If the owner of a rental dwelling resides more than 50 miles from the rental dwelling, the owner must provide the city with the name, mailing address, email address, and telephone number of the registered agent that resides or works within 50 miles of the rental dwelling that is authorized to act on behalf of the owner.
- K. Register of Occupancy. The owner or registered agent shall keep a current register of occupancy for each rental dwelling. Upon written request by the city, the owner or registered agent must provide the city with a copy of the register of occupancy. The register of occupancy shall contain, at a minimum, the following information:

1. Address(es) of the rental dwelling;
 2. Number of bedrooms of each unit;
 3. Number of units in each rental dwelling; and
 4. Number of adults and children (under 18) occupying each unit.
- L. Access. Upon written request by the city, the owner or its registered agent shall provide access to the rental dwelling or unit for the purpose of enforcing this chapter.

9-11-~~9~~10 INSPECTIONS; COMPLIANCE ORDERS.

- A. Inspections; Fees. All rental dwellings must be inspected by the building official prior to the issuance of a new license or license renewal in order to determine compliance with this chapter, the city code, state law, and the International Property Maintenance Code. ~~The license fee includes, in part, the cost associated with the initial inspection and one follow-up inspection to verify adherence with a compliance order, if necessary. If it is determined that a follow-up inspection is unnecessary, the applicant shall be entitled to a refund in an amount determined by the city council and included in the fee schedule.~~
- B. Presence Required. The owner or registered agent, if applicable, must be present at the time of all inspections and the building official will not inspect a rental dwelling without the owner or registered agent. If the owner or registered agent fails to show for an inspection or reschedules with less than 24 hours' notice to the city, an additional inspection fee, ~~as determined by the city council and included in the fee schedule,~~ shall be charged to the owner.
- C. Additional Inspections; Fees. The owner shall be responsible for a fee associated with each additional inspection beyond the initial inspection, and, if a compliance order was issued, one follow-up inspection to determine adherence to the compliance order. The fee for additional inspections or any other inspection that was canceled and rescheduled on less than 24 hours' notice to the city, shall be determined by the city council and included in the fee schedule.
- D. Compliance Order.
1. Following any inspection, whenever the building official determines that the condition of a rental dwelling or the premises where any rental dwelling unit is located fails to meet the provisions of this chapter, other applicable city code provisions, state law, or the International Property

Maintenance Code, the building official may issue a compliance order setting forth the specific violations and ordering the owner or licensee to correct such violations.

2. Contents of the Compliance Order. The compliance order shall (i) be in writing; (2) describe the location and nature of the violations; (3) set forth a reasonable time for the correction of the violations; and (4) be served upon the owner or registered agent, if applicable, by first class U.S. mail and via email if the owner's application materials indicate that email is a preferred method of communication. A copy of the compliance order shall also be provided to the occupants of the applicable rental dwelling unit(s) if presently occupied.

3. Appeal. When it is alleged by the owner or registered agent that the building official's compliance order is based upon the erroneous interpretation of this chapter, other applicable city code provisions, state law, or the International Property Maintenance Code, the owner or registered agent may appeal the compliance order to the city council. Such appeal shall be in writing, must specify the grounds for the appeal, and must be filed with the city within 10 ~~calendar~~business days of the date the compliance order was sent to the owner or registered agent, if applicable. The appeal shall be heard by the city council pursuant to the procedure set forth in section 9-11-12 of this chapter. The filing of the appeal of the compliance order shall stay all proceedings in furtherance of the order appealed from, unless such a stay would cause imminent peril to life, health, or property. Upon the receipt of an appealed compliance order that contains a violation that imminently endangers life, health, or property, the building official will immediately notify the appellant in writing and by telephone or email to inform the appellant of those violations unaffected by the stay.

4. License Action. If the violation listed in the compliance order is not remedied by the owner or registered agent, if applicable, within the specified time given in the order and the time to appeal the compliance order has expired, the license for the rental dwelling may be denied, suspended, revoked, or not renewed by the city. When the city seeks to deny, suspend, revoke, or not renew a license ~~and/or impose any administrative fines~~, the city shall send a notice of the proposed action to the owner or registered agent, if applicable, of the rental dwelling unit. The proposed action shall be heard by the city council pursuant to the procedures set forth in section 9-11-~~12~~11.

E. Unsafe or Dangerous Conditions. No owner or licensee may operate a rental dwelling unit, regardless of whether a license has been issued, if the building official determines that a condition exists in or on the rental dwelling or unit that is unsafe or poses an imminent danger to the health or safety of the tenants or the public. Any person who continues to operate a

rental dwelling unit after such a determination by the building official and written notice thereof is subject to immediate suspension or revocation of the license, criminal prosecution, and any other civil or administrative remedies available to the city.

- F. Notwithstanding any other provision contained in this chapter, the city council may revoke, deny, suspend, or decline to renew any license issued or applied for under this chapter upon the following grounds:
 - 1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this chapter.
 - 2. Failure to pay any application fee, penalty, inspection fee, special assessment, real estate taxes, city utilities, or any other financial claims due to the city as required by this chapter or city council action.
 - 3. Failure to comply with this chapter, any applicable provisions of the city code, state law, and the International Property Maintenance Code, or failure to correct deficiencies noted in a compliance report within the time specified.
 - 4. Failure to actively pursue the termination of the tenancy of occupants who have violated the provisions of this Chapter or have otherwise created a public nuisance in violation of city, state, or applicable laws.
 - 5. Violation of any reasonable condition or restriction on any rental license.
- G. **Occupant Initiated Inspection.** An occupant who believes a rental dwelling unit is not in compliance with the provisions of this chapter, city code, state law, or the International Property Maintenance Code may request an inspection, as authorized by Minnesota Statutes, section 504B.185. If the inspection reveals noncompliance, a compliance order may be issued in accordance with the procedure outlined in in this chapter and the cost for all inspections shall be the responsibility of the owner.

| 9-11-~~10~~11 CONDUCT ON LICENSED PREMISES.

- A. Owner Responsible. It shall be the responsibility of the owner and registered agent to see that occupants and occupants' guests conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this section, a rental dwelling unit is disorderly when any of the following activities occur in the rental dwelling unit or on the premises where the rental dwelling unit is located:

1. Violation of Minnesota Statutes, sections 609.75 through 609.763 as may be amended from time to time, relating to gambling;
2. Violation of laws relating to prostitution or acts relating to prostitution and sex trafficking as set forth in Minnesota Statutes, sections 609.321 through 609.3243, as may be amended from time to time;
3. Violation of Minnesota Statutes, chapter 152 as may be amended from time to time, relating to the unlawful sale, use, or possession of controlled substances;
4. Violation of Minnesota Statutes, sections 340A.401 and 340A.503 as may be amended from time to time, relating to the unlawful sale and underage consumption of alcoholic beverages;
5. Violation of Minnesota Statutes, section 609.33 as may be amended from time to time, 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. Violation of Minnesota Statutes, sections 97B.021, 97B.045, 609.66 through 609.67, 624.712 through 624.716, 624.719, 624.731 through 624.732 as may be amended from time to time, relating to the unlawful possession, transportation, sale or use of weapons;
7. Violation of city code, section 5-2-2, or violation of Minnesota Statutes, section 609.72, as may be amended from time to time, relating to disorderly conduct;
8. Violation of city code, section 5-7, relating to recreational fires;
9. Violation of city code, section 5-8, relating to clandestine drug labs;
10. Violation of city code, section 4-6, relating to nuisances;
11. Violation of city code, section 5-3, relating to animal control;
12. Violation of the occupancy standards defined in city code section 9-11-6;
13. Violation of Minnesota Statutes, sections 609.226 and 347.50 through 347.565, as may be amended from time to time, relating to dangerous dogs;

14. Violation of Minnesota Statutes, sections 609.221 through 609.2231, 609.224, and 609.2242, as may be amended from time to time, relating to assault;
15. Violation of Minnesota Statutes, section 609.78, as may be amended from time to time, which prohibits interfering with a 911 phone call;
16. Violation of Minnesota Statutes, section 609.713, as may be amended from time to time, which prohibits terroristic threats;
17. Violation of Minnesota Statutes, section 243.166, as may be amended from time to time, relating to Predatory Offender Registration;
18. Violation of Minnesota Statutes, section 609.229, as may be amended from time to time, relating to crimes done for the benefit of a gang;
19. Violation of Minnesota Statutes, section 609.50, as may be amended from time to time, which prohibits interference with a peace officer;
20. Violation of city code, section 4-2 relating to garbage and refuse;
21. Violation of Minnesota Statutes, chapter 260C and section 609.26 subdivision 1(8), as may be amended from time to time, relating to the delinquency of a minor;
22. Violation of Minnesota Statutes, section 609.715, as may be amended from time to time, relating to unlawful assembly;
23. Violation of Minnesota Statutes, section 609.71, as may be amended from time to time, relating to a riot;
24. Violation of Minnesota Statutes, section 609.903, as may be amended from time to time, relating to racketeering; or
25. Violation of Minnesota Statutes, section 609.675, as may be amended from time to time, relating to exposing children to large containers that fasten automatically when closed.

B. City Enforcement. The city administrator is responsible for enforcement and administration of this section.

C. First Violation. Upon determination by the city administrator that a licensed rental dwelling or unit is disorderly, as described in paragraph (A) of this section, the city administrator will provide written notice to the

owner or registered agent of the violation and direct the owner to take steps to prevent any further violation.

- D. Second Violation. If a second instance of disorderly use of the licensed rental dwelling or unit occurs within 12 months of the first incident for which a notice in paragraph (C) of this section was given, the city administrator will provide written notice to the owner or registered agent of the second violation and will require the owner to submit a written report of the actions taken, and proposed to be taken, by the owner and registered agent to prevent further disorderly use. This written report must be submitted to the city administrator within seven business days of the date of the written notice of disorderly use and must detail all actions taken by the owner and registered agent in response to all notices of disorderly use within the preceding 12 months.
- E. Third Violation.
1. If a third instance of disorderly use of the licensed rental dwelling or unit occurs within 12 months of the first incident for which a notice in paragraph (C) of this section was given, the rental dwelling license may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section must be initiated by the city administrator pursuant to section 9-11-~~8~~12.
 2. Following the hearing, the city council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.
- F. No Adverse Action Pending Eviction. No adverse license action shall be imposed where the instance of disorderly use of the licensed rental dwelling or unit occurred during the pendency of an eviction proceeding or within 30 days of the notice given by the owner or registered agent to a tenant to vacate the premises so long as the owner or registered agent is diligently pursuing such an eviction or voluntary vacation by the tenant. An action to deny, revoke, suspend, or not renew a license based upon a violation of this section may be postponed or discontinued at any time if, in the city's sole discretion, the city concludes that the owner has taken appropriate measures to prevent further instances of disorderly use.
- G. Finding of Disorderly Conduct. A determination that the licensed premises is disorderly as described in paragraph (A) of this section shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that a criminal charge be brought in order to support a determination of disorderly use nor does the dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

- H. Service of Notices. All notices given by the city under this section shall be sent by first class U.S. mail to the last known address of the owner, ~~or registered agent or posted in a conspicuous place on the licensed rental dwelling if said addresses are unknown~~ and via email if the owner's application materials indicate that email is a preferred method of communication.
- I. Enforcement Actions. Enforcement actions provided in this section are not exclusive, and the city council may take any action with respect to an owner, registered agent, tenant, or the licensed rental dwelling as may be authorized by the city code, state or federal law.

9-11-~~11~~12 HEARING PROCEDURE.

- A. Scheduling of Hearing. If the city seeks to deny, suspend, revoke, or not renew a license pursuant to any provisions of this chapter, or if the owner or registered agent appeals the compliance order pursuant to section 9-11-~~910~~910 of this chapter, the city council shall conduct a hearing on the matter. The hearing shall be scheduled ~~no less than 10~~ within 30 calendar days following the date of the city's notice to the owner or the city's receipt of an appeal of a compliance order, unless the city and owner mutually agree to a different date.
- B. Hearing. At the hearing, the city council shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted to the city at least five calendar days before the hearing. The owner or registered agent shall have the opportunity to address the city council at the hearing and may be represented by legal counsel.
- C. Findings. The city council shall make findings and shall issue a written decision within 30 calendar days following the date of the hearing and shall send a copy of its decision to the owner or registered agent by first class U.S. mail. The decision shall specify the rental dwelling or units to which it applies.
- D. License Reinstatement. Upon a decision to revoke, suspend, deny, or not renew a license for violations of this section, the owner or registered agent shall be ineligible for a rental license at said dwelling for a period determined by the city council, but such period shall not exceed 12 months. Any owner or registered agent who has had two or more licenses revoked, suspended, denied, or not renewed for a violation of this chapter within the previous 24 months, is ineligible for a rental license for any property in the city for a period determined by the city council, but such period shall not exceed 24 months. To reinstate a license, the owner must complete the licensing requirements and pass an inspection as established by this chapter.

- E. No Occupancy. If a license is revoked, suspended, denied or not renewed by the city council, it shall be unlawful for the owner or the registered agent to thereafter permit the occupancy of the unlicensed rental dwelling or the unit. The city shall send and post a copy of the city council action on the rental dwelling(s) or unit(s) impacted by action in order to prevent any further occupancy. No person shall reside in, occupy or cause to be occupied any unlicensed rental dwelling or unit. If the rental dwelling(s) or unit(s) is occupied at the time the license is revoked, suspended, denied, or not renewed, then the owner or registered agent shall inform the tenant(s) that the tenant(s) have 30 days from the date of the city council action to vacate. Occupation of the rental dwelling or unit after those 30 days is unlawful.

- F. Appeal. An owner may appeal the decision of the city council as allowed under state law.

9-11-13 REMEDIES; LIABILITY FOR COSTS.

- A. If the owner or registered agent fails to voluntarily comply with any requirement of this chapter, the city council may direct the city administrator to take any or all lawful steps to enforce the requirements of this chapter, including injunctive relief.

- B. The owner is responsible for all costs associated with any enforcement efforts undertaken pursuant to this chapter, including but not limited to court costs, attorneys' fees, and interest on any unpaid amounts incurred by the city pursuant to this chapter.

- C. All sums payable by the owner to the city pursuant to this section shall be deposited in the city's general fund to reimburse the city for its expenses and costs incurred to enforce this chapter.

- D. If the owner fails to pay the city as required by this chapter or any court order, said costs, fees, and amounts may be collected as a special assessment against the licensed property pursuant to Minnesota Statute, Chapter 429, as amended from time to time. Said amount shall also constitute a service charge collectable by the city under Minnesota Statutes, section 366.012, which is available to the city under Minnesota Statutes section 415.01, subdivision 1, on any property the owner owns in the state. Any portion of the service charge not paid, including collection costs, may be certified for collection on the property taxes of the owner. The city may also pursue any other options available to it under law to recover the amounts owed by the owner, including the costs of collection.

9-11-14 PENALTIES.

In addition to any other remedy available to the city in law or in equity, the failure by any person to comply with any provision of this chapter shall constitute a misdemeanor. Each day that a violation continues shall be deemed a separate offense.

SECTION 2. This ordinance shall be effective upon its adoption and publication.

Adopted by the Lauderdale City Council this 22th day of March, 2022.

Mary Gaasch, Mayor

ATTEST:

Heather Butkowski, City Administrator

Published in the Pioneer Press the 24th day of March, 2022.