

CITY OF CHAMPLIN, MN
ORDINANCE NO. 707

AN ORDINANCE AMENDING CHAPTER 30 LICENSES, PERMITS & MISCELLANEOUS BUSINESS
REGULATIONS, ARTICLE II RENTAL HOUSING

Chapter 30 LICENSES, PERMITS & MISCELLANEOUS BUSINESS REGULATIONS,

ARTICLE II. RENTAL HOUSING

Sec. 30-19. Purpose.

(a) ~~In the belief that blighted, deteriorating, poorly operated, poorly maintained and disorderly housing creates a disincentive to invest in the community, and may be a threat to the health, safety and welfare of the members of the community, it is the purpose of this article to ensure that rental housing in the city is decent, safe and sanitary and does not become a nuisance or a blight to the neighborhoods in which it is located. and is 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 investment in the community.~~

(b) The operation of rental dwelling units is a business enterprise that ~~requires owners and operators entails certain responsibilities. Operators are responsible~~ to take such reasonable steps ~~as are necessary~~ to ensure that the ~~occupants' of citizens of the city who occupy~~ such units and neighbors may pursue the quiet enjoyment ~~of the normal activities of life in~~ surroundings that are:

- (1) Safe, secure and sanitary;
- (2) Free from crime and criminal activity, nuisances or annoyances;
- (3) Free from reasonable fears about safety of persons and security of property; and
- (4) Suitable for raising children.

(c) It is the intent of this article to establish uniform standards that are applicable to all rental dwellings ~~units~~ in the city ~~not occupied by owners~~.

(Ord. No. 625, § 22-100, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-20. Preamble.

The city's responsibility ~~city believes that providing~~ for ~~the public~~ health, safety and welfare to its citizens mandates the existence of a rental dwelling unit license and maintenance program that corrects substandard conditions and maintains a ~~reasonable~~ standard for rental dwelling units.

(Ord. No. 625, § 22-101, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-21. Scope.

This article applies to all **housing dwelling** units that are leased or rented in whole or in part as dwelling units including accessory and appurtenant structures such as garages, storage buildings, sidewalks and retaining walls. This article does not apply to state department of health licensed rest homes, convalescent care facilities, nursing homes, hotels or motels licensed by the city.

(Ord. No. 625, § 22-102, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-22. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means any building or portion thereof that contains three or more dwelling units, sleeping rooms or a combination thereof, but not including condominiums or town homes.

Code Enforcement enforcement officer means the authorized agent **of for** the city **or qualified delagetee charged with enforcing this article. or a duly authorized representative.**

Condominium means a single dwelling unit in a multidwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property. Each individual owner may sell or encumber his own unit.

Dwelling, single-family, means a building or portion thereof **that** contains one dwelling unit. For purposes of this article, a single-family dwelling includes a free standing single-family residence, a single dwelling in a cooperative, an individual condominium **unit** or townhouse, a single dwelling unit in a nonresidential structure or a dwelling unit offered for rent or lease in a duplex **in which the owner occupies the other dwelling unit.**

Dwelling, two-family, means a building or portion thereof containing two dwelling units.

Dwelling unit means any building or portion thereof in which persons reside, or which **is are** intended for human habitation. The term "dwelling unit" shall include a sleeping room.

Efficiency dwelling unit means a dwelling unit containing only one habitable room plus bathroom facilities.

Lease means an oral or written agreement **whether denoted as a "lease", "rental agreement" or otherwise,** between a dwelling unit owner **or agent** and **an occupant of the unit as a dwelling, tenant for use of a dwelling unit for rent consideration, and which will not effectively convey a fee ownership of the unit to the occupant.** The term "lease" **includes also means** an agreement between a lessee or **subtenant** of the unit **and a subtenant** for use of the unit as a dwelling for consideration. **"Consideration", as that term is used in this article, is not limited to money rent.**

***Licensee* means the owner of the dwelling unit to be licensed. Unless stated otherwise in this article, all obligations of the owners, owner's agent or licensee's agent under this article shall also be obligations of the licensee.**

Rent means the consideration **given paid** by **or on behalf of an occupant,** tenant or subtenant to the owner, **owners agent, or lessee or operator** of a dwelling unit for use **as a dwelling, of the dwelling unit by the tenant or subtenant. The consideration is not limited to money. "Rent" may include exchange of services or goods.**

Rental dwelling unit means a dwelling unit or sleeping room occupied **or intended by its owner to be occupied** by a tenant or subtenant **as a dwelling unit.**

Sleeping room means any room used or intended to be used by a tenant or subtenant for sleeping purposes with or without meals and not licensed by the state department of health.

Tenant means any adult person to whom use of a dwelling unit or sleeping room is granted pursuant to a lease or sublease.

Townhouse means a single-family dwelling constructed in a group of dwellings attached to each other and where each dwelling unit extends from the foundation to the roof and is separated from other dwelling units by property lines.

(Ord. No. 625, § 22-103, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-23. License.

(a) *Required.* ~~No structure in the City of Champlin shall be operated, let or caused to be let or sublet as a~~ ~~No person is allowed to operate a rental dwelling or~~ rental dwelling unit without ~~first such unit having first been obtained~~ a licensed under this ~~Section~~ section. This section does not apply to ~~dwellings~~ residences occupied by the owner or by members of the owner's ~~immediate~~ family and where the ~~tenants~~ renters have access to ~~substantially~~ the entire residence. ~~No person shall operate, let or cause to be let, or sublet, a dwelling unit which has not been licensed by the city pursuant to this article.~~ A license must be obtained for each ~~rental~~ dwelling unit, except that two or more dwelling units located within a single building and having a common owner and a common property identification number ~~may be covered by~~ shall require only a single license. Upon receipt of a complete application for a rental license by the city clerk, or a completed application for the renewal thereof, the ~~code~~ enforcement officer may inspect the dwelling units to be licensed to determine whether they are in compliance with this ~~Section~~ article, other applicable city ordinances, and the laws and regulations of the ~~county and~~ state.

(b) *Application filed.* All license applications shall be submitted to the city clerk on forms furnished by the city and must contain the following information:

(1) Identity of the owner of the dwelling units to be licensed, including the name, address (including ~~mailing and~~ street addresses), and telephone number of the owner. ~~This is the address to which all future~~ All correspondence and notices from the city ~~including notices required by this article~~ will be sent to the mailing address provided by the licensee. The identity of the owner shall ~~state whether also include information on whether~~ the owner is a corporation, partnership, ~~natural person~~ or other form of entity, ~~as applicable,~~ and whether it is in good standing with the secretary of state. A license will not be issued to an ~~corporate~~ entity that is required to file organizational documents with the Secretary of State if that entity ~~that~~ is not in good standing. ~~If the owner is not a natural person, the application shall also include the mailing address and phone number of a natural person who shall act as the owner's agent for service of notices or process permitted or required by this Section.~~

(2) The names, ~~street and mailing~~ addresses, and telephone numbers of the persons ~~authorized by the owner to who~~ will act as the owner's agents with regard to the application for the license and ~~who shall be responsible, together with owner, responsibilities~~ for the management and maintenance of the licensed dwelling units;

(3) Legal descriptions, property identification numbers and post office addresses of the dwelling units to be licensed;

(4) ~~A description of the~~ The number of units and number of bedrooms in each unit ~~offered for rent;~~ and

(5) An ~~signed~~ acknowledgement ~~that by~~ the owner ~~or and~~ owner's agent ~~has~~ ~~that they have~~ received a copy of this article and the city's property maintenance standards.

(c) *Licensee's responsibility to notify of changes.* The licensee shall inform the city in writing of any change in the identity of its agent, ~~its address~~, its mailing address and the mailing address of its agent, or of any other change in information contained in the application. Any notice required to be given by the city pursuant to this article shall be deemed properly served if mailed by first class mail to the ~~most recent address of the~~ owner ~~and or~~ its agent ~~addressed to the most recent address on record with the city as~~ provided in writing by the licensee to the city.

(d) *License not transferable.* A license is not transferable and shall expire as of the date of transfer of ownership of the licensed units. Any change in the ownership of licensed dwelling units shall require an initial license application from the new owner. A new owner must obtain a new license within 30 days of acquiring ~~equitable or fee ownership of the property to continue to lease or rent the unit without interruption.~~

(e) *License Period Annual licensing.* A license issued pursuant to this article shall ~~be effective upon issuance and shall continue for a period of one year from the next February 1 following issuance for buildings of four or more units, and from the next April 1 following its issuance for buildings of three or fewer units unless terminated sooner by transfer of the property or operation of this section.~~ ~~continue until the next renewal date unless sooner suspended or revoked under the terms of this article.~~ The renewal date for buildings of five (5) or more units shall be the next February 1 following issuance. The renewal date for buildings of four (4) or fewer units shall be the next April 1 following issuance.

(f) *Fees License fee.* All license fees ~~required and inspection fees authorized~~ by this section are ~~in the amounts as set forth in chapter 22 of the city's ordinances.~~ Fees must accompany the license application. Exception: Rental dwelling units owned or under the control of the city must be licensed but are exempt from ~~paying the license fee. A rental license will not be subject to pro-rating of fees.~~ If the license renewal date is less than six months from the date of issuance of the license, the license fee shall be half of the annual fee set forth in Chapter 22.

(g) *Record retention.* License applications and all documents submitted to the city therewith shall be kept on file in the office of the ~~code~~ enforcement officer in accordance with the city's records retention schedule. Copies shall be furnished to authorized persons in accordance with Minn. Stats. ch. 13.

(Ord. No. 625, § 22-104, 9-25-2006; Ord. No. 660, 8-11-2008; Ord. No. 685, 3-9-2009)

Sec. 30-24. Issuance of license.

(a) Upon receipt of a completed application and the required license ~~and inspection~~ fees, the city shall issue a license if ~~upon inspection by the enforcement officer~~ the dwelling units and the application are found to be in compliance with all provisions of this ~~Section, article~~ ~~other ordinances of the city,~~ and all applicable laws and regulations of the ~~county and~~ state. ~~The license shall be effective upon issuance and shall continue for the license period described in Section 30-23(c).~~ A license will be required for each dwelling unit and sleeping room, except two or more dwelling units and sleeping rooms located within a single building having a common owner and a common property identification number shall be issued a single license.

(b) Rental licenses are not required to be posted.; ~~however,~~ ~~However,~~ the property owner or agent for the owner must present a current license upon request by tenants or prospective tenants within 48 hours of request. ~~An intentional misrepresentation~~ ~~Misrepresentation~~ by an owner or owner's agent that a dwelling unit or sleeping room is licensed when it is not is a violation of this ~~article~~ ~~section~~.

(Ord. No. 625, § 22-105, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-25. Authority.

The city administrator shall be responsible for enforcement and administration of this article. The authority to take any action authorized under this section may be delegated by the city administrator to the code enforcement officer or other qualified authorized designee.

(Ord. No. 625, § 22-106, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-26. Inspection.

(a) The code enforcement officer may from time to time inspect licensed property to determine compliance with this Section article. Other applicable ordinances of the city and county, and statues and regulations of the state, including the city's Property Maintenance Code, and MN Stat. 216.096, the "cold weather rule".

(b) The code enforcement officer shall provide reasonable written notice to the licensee owner or the licensee's owner's agent as to of the date and time of inspections. Upon receipt of such notice, licensee or licensee's agent shall immediately notify tenants and subtenants of each until to be inspected of the dates and times of the requested inspections.

(c) Each occupant of a licensed dwelling unit shall, upon reasonable notice, permit the licensee owner or the licensee's owner's agent and the code enforcement officer access to the any part of such licensed dwelling unit at reasonable times for the purpose of performing inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this Section article.

(d) If any owner, owner's licensee, licensee's agent or occupant of a licensed dwelling unit fails or refuses to permit entry to a unit for an inspection pursuant to this Section article, the code enforcement officer may seek a court order authorizing such entry and inspection.

(e) It shall be the responsibility of the licensee or licensee's agent to arrange with the occupants, tenants and subtenants to permit entry and inspection by the enforcement officer, by appropriate lease provisions or otherwise.

(Ord. No. 625, § 22-107, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-27. Disorderly behavior at licensed dwelling units.

(a) *Responsibility.* It shall be the licensee's responsibility to ensure that the occupants and the guests of occupants not engage in disorderly behavior in the rental dwelling unit or in or upon structures or grounds appurtenant thereto. For the purposes of this Section article, the term "rental dwelling unit" shall include common areas in the building or on the grounds where the rental dwelling unit is located.

(b) *Disorderly behavior.* For the purpose of this article, disorderly behavior includes but is not limited to the following:

(1) Illegal drug-related activity. The term "illegal drug related activity" means the illegal 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 USC 802) or possession of drug paraphernalia (Minn. Stats. § 152.092). For the purposes of this article, an occupant shall be deemed to be in possession of a controlled substance if such substance any amount is located in the licensed dwelling unit even if the occupant does claims not to know the controlled substance was present;

(2) Acts of violence or threats of violence by occupants or guests of occupants, including but not limited to discharge of firearms, prostitution, intimidation, or any other act that threatens or jeopardizes the health, safety or welfare of

others, or acts that create a reasonable belief in others that their health, safety or welfare is being threatened or jeopardized;

(3) Violation of Minn. Stats. § 609.72, regarding disorderly conduct;

(4) Violation of Minn. Stats. §§ 609.74 and 609.745, regarding public nuisances;

(5) Violation of Minn. Stats. § 609.66, subd. 1a, 609.67 or 624.713, regarding the unlawful use or possession of a firearm or weapon;

(6) Violation of Minn. Stats. § 609.50, regarding obstructing the legal process;

(7) Violation of sections 34-1--34-8, regarding public nuisances;

(8) Violation of sections 38-44--38-48, regarding firearms;

(9) Violation of sections 38-70 and 38-1, regarding noise and unlawful lighting conditions;

(10) Violation of Minn. Stats. § 609.53, regarding receiving or selling stolen property; or

(11) Violation of sections 26-106, 26-126--26-134, regarding fireworks.

(12) For purposes of this article, convictions of occupants or guests of occupants for conduct described in Sec. 30-27 is not required for enforcement of sanctions against licensees under this article. Reasonable belief by the enforcement officer that such conduct has occurred in the units or the areas appurtenant thereto shall be sufficient for such enforcement.

(Ord. No. 625, § 22-108, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-28. Enforcement.

(a) *First instance.* The ~~code~~ enforcement officer shall, upon the first instance of conduct described in Section 30-27 ~~notice of an occurrence of disorderly behavior as described in section 30-27,~~ notify in writing by first class mail the licensee and tenant of the violation and direct the licensee to take steps to prevent further violations.

(b) *Second instance.* If, within 12 months of the first notification described in Section 30-28(a) ~~to the owner of such disorderly~~ behavior at the same dwelling unit or at a dwelling unit covered by the same license, another instance of disorderly behavior occurs at a dwelling unit covered by the same license occurs, the ~~code~~ enforcement officer shall notify the licensee and tenant in writing by first class mail of the violation and shall direct the licensee to submit to the ~~code~~ enforcement officer, within ten days of the date of the notice, a written report of all actions taken by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior.

(c) *Third instance.* If, within 12 months after the date of the second notice described in Section 30-28(b), another instance of disorderly behavior occurs at a dwelling unit covered by the same license, the rental license may, following an opportunity for the licensee to be heard by the city council, be revoked, suspended or not renewed by the city council upon the recommendation of the ~~code~~ enforcement officer. The ~~code~~ enforcement officer shall submit a written description of the disorderly conduct and recommendations for action to the city council and licensee within 20 days of the service of third notice on licensee of disorderly behavior. Licensee's opportunity to be heard by city council under this paragraph is subject to written request for hearing to the city within 10 days of the date of submission of the enforcement officer's description of conduct and recommendations for action.

(d) *Nuisance property.* If the occupants or visitors to a particular dwelling unit cause multiple ~~is the subject of frequent~~ police calls to the unit for disorderly or disruptive behavior, the city council may deem the dwelling unit a public nuisance and take action pursuant to sections 30-28 and 30-29.

(e) *Postponing license action.* No action to suspend or revoke a license if the licensee is actively, diligently, in good faith and without delay pursuing an unlawful detainer action against tenants of the licensed dwelling if the removal of those tenants, in the opinion of the code enforcement officer, will cure the violations for which action to revoke or suspend have been recommended to the council. In such cases the licensee shall be allowed a reasonable time to complete the eviction process, but not more than 60 days from the date of the third instance of disorderly behavior.

(f) *Determining disorderly behavior.* A determination that the licensed dwelling unit has been the location of disorderly behavior shall be made upon substantial evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact of dismissal or acquittal of such criminal charges operate acquittals of such criminal charges operate as a bar to adverse license action under this article.

(g) *Remedies not exclusive.* The criminal and civil remedies provided in this article are not exclusive, and the city council may take any action with respect to a licensee, a tenant, occupant or the licensed premises as is authorized by other ordinances or the laws of the state.

(Ord. No. 625, § 22-109, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-29. Revocation, suspension, denial or nonrenewal of license.

(a) *Basis for revocation, suspension, etc., of license.* The city council may, following a hearing before the city council or licensee's waiver of right to be heard, revoke, suspend, deny or decline to renew any license issued under this article. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or nonrenewal may apply to one or more rental dwelling units at the discretion of the council. The basis for such action includes, but is not limited to, any of the following circumstances:

- (1) The license was procured by misrepresentation of material facts in the application for the license, or with regard to the licensed dwelling unit or the ownership of the rental dwelling unit;
- (2) The activities of the licensee or its agent, or occupants of the licensed unit create or have created a danger or threat of danger to the public health, safety or welfare;
- (3) The licensed dwelling unit contains conditions that might injure or endanger the safety, health or welfare of its occupants or any member of the public;
- (4) Failure to pay any application, penalty or reinstatement fee required by ordinance;
- (5) Failure to correct violations of applicable standards in the time specified in the notice of violation and correction;
- (6) The third instance of disorderly behavior specified in subsection 30-28(c);
- (7) Violation of any regulation or provision of the code applicable to the activity, or which the license has been granted, or any regulation or law of the state so applicable;
- (8) Failure to comply with a condition of the issuance of the license; or

(9) Any violation of this article, or other applicable laws or regulations of the state.

(b) *Notification.* The **code** enforcement officer shall notify the licensee or the licensee's agent in writing of the basis for any recommendation for revocation, suspension, denial or nonrenewal of the license, and the date upon which the city council shall review and act on the recommendation. The notice required by this section shall be served upon the licensee or its agent at least 30 days before the date set for city council review and action. Service shall be deemed sufficient if the notice is sent to the licensee or its agent by first class mail at the address provided in the license application. **Notice shall also be sent to occupants of the affected dwelling units. Such notices shall be deemed to have been served if addressed to "occupant" at the address of the unit and sent by first class mail to that address. It shall be the responsibility of the licensee or its agent to notify the tenant in writing of the review date, time and place.**

(c) *Hearing.* The date and time set for council review shall also be the date and time for a hearing on the recommendations of the **code** enforcement officer. The licensee shall have the right to a hearing by the city council at the time and date set for the council review if the licensee or its agent presents the city clerk with written demand for hearing at least ten days before the date set for review. The licensee may be represented by legal counsel and may call witnesses and present documentary evidence. Both sides shall be permitted to examine the other side's witnesses. **Following presentation of the evidence, the** ~~The~~ mayor or the mayor's designee shall preside over the hearing. The council shall render a decision on the code enforcement officer's recommendations. The council shall record the hearing and keep a record of all documentary evidence submitted. **The hearing may be continued as reasonably necessary by the presiding officer.**

(d) *Decision.* The city council shall make findings based on the evidence in support of its decision. The city council shall issue written findings and its decision within 30 days following the closing of the hearing and shall notify the licensee of the findings and decision by first class mail with a duplicate copy to the code enforcement officer. **The decision shall include the effective date of any revocation or suspension of the license.** The decision shall specify the dwelling unit or units to which it applies. If the license is revoked or suspended, **until a license may be reissued or reinstated,** no dwelling unit covered by the revoked or suspended license may be rented, leased or occupied **until a new license has been issued or the suspended license reinstated.** ~~pursuant to a lease or rental agreement.~~ Revocation, suspension, denial, or nonrenewal of a license shall not excuse the licensee from compliance with all terms of this article for as long as any dwelling unit covered by the license is occupied.

(e) *License process after revocation, suspension, denial or nonrenewal.* After the city council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling unit until a period **of not less than ten days or as of not less than 10 days and as** determined by the city council has elapsed since the date of such action, and the **code** enforcement officer determines that the applicant/licensee has remedied the conditions identified by the city council as the basis for its action. An application to obtain a rental license for a dwelling unit after the city council has revoked, suspended, denied or declined to renew a license for the same dwelling unit must be accompanied by all fees required by this article.

(Ord. No. 625, § 22-110, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-30. Effect of revocation, suspension, denial, or nonrenewal.

If a license is revoked, suspended, denied or not renewed by the city council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the **affected then vacant or, thereafter vacated, rental dwelling units,** until such time as a **suspended license is reinstated or a new valid rental license is issued covering the obtained for the rental** dwelling unit. Issuance of a new license after revocation, suspension, denial or nonrenewal shall be made in the manner provided for in section 30-23.

(Ord. No. 625, § 22-111, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-31. Posted to prevent occupancy.

If a rental dwelling or rental dwelling unit is operated in the City of Champlin without having been licensed under this article, or if the license has been revoked, suspended, denied or not renewed, the dwelling or dwelling unit shall be posted as being unlicensed by the **code** enforcement officer to prevent further occupancy as a rental dwelling. No person, other than the **code** enforcement officer shall remove or alter any posting. The **code** enforcement officer will post the date the dwelling unit shall be vacated and no person shall occupy it as a rental dwelling unit until a new license is issued.

(Ord. No. 625, § 22-112, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-32. Penalties.

A violation of the provisions of this article is a misdemeanor. Such violations shall also be the basis for civil actions by the city as provided in this article.

(Ord. No. 625, § 22-113, 9-25-2006; Ord. No. 660, 8-11-2008)

Sec. 30-33. No retaliation.

It shall be a violation of this article for a licensee or its agent to retaliate in any manner against a tenant or occupant for reporting or in any manner participating in the enforcement of this article. The provisions of Minn. Stats. § 504B.205, subd. 2, are hereby incorporated into and made a part of this article.

(Ord. No. 625, § 22-114, 9-25-2006; Ord. No. 660, 8-11-2008)

Secs. 30-34--30-54. Reserved.

First Reading: January 24, 2011
Second Reading: February 14, 2011
Adopted: February 14, 2011

Mark W. Uglem, Mayor

Attest:

Roberta Colotti, CMC City Clerk

Published in Champlin Dayton Press on March 3, 2011.