

**ORDINANCE 2023-\_\_\_\_\_**

An Ordinance amending Chapter 18 of the Marshall Municipal Code to create Article 18-VIII, a Rental Housing Code.

**WHEREAS**, the City of Marshall has determined that there is a need to update the City Code, Chapter 18 – Buildings and Building Regulations.

**NOW THEREFORE**, the Common Council of the City of Marshall does Ordain that Marshall City Code, Chapter 18 be amended to add Article 18-VIII, Residential Rental Code to read as follows:

**Section 18-137. Findings and Purpose.**

(a) Legislative finding. It is hereby found that there exist and may in the future exist, within the City, residential rental premises, rooming units, or parts thereof, and renter-occupied mobile homes or rented premises on which the mobile home sits, which, by deficiencies in the structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of people, their safety, and general welfare. To correct and prevent the existence of such adverse conditions, to achieve and maintain such levels of residential environmental quality that will protect and promote public health, safety and general welfare, preserve property values and prevent blight, it is further found that the establishment and enforcement of minimum rental housing standards are required. It is further found that a municipal registration program is appropriate to effectively enforce residential rental unit maintenance standards and correct or prevent law violations, nuisances and other disturbances and disorders involving residential rental units within the City.

(b) Purpose. The purpose of this chapter is to establish a program for identifying rental housing units within the City of Marshall. This chapter is adopted to protect the public health, safety and general welfare of the citizens of the City of Marshall by:

- Promoting safety from fires and accidents;
- Providing a means for the fair administration and enforcement of this Code for all residential rental housing units;
- Providing minimum standards for basic equipment and facilities;
- Reducing environmental hazards to health; and
- Assisting in controlling criminal activities in rental housing.

**Section 18-138. Scope.**

This chapter applies to rental housing units described herein that are rented or leased in whole or in part, including apartment buildings, town homes, single family and multifamily housing, guest and caretaker houses, manufactured homes and condominiums. It also includes any accessory structures of the rental housing units, such as garages and storage buildings, and appurtenances such as sidewalks, driveways, and retaining walls, which are on the property of the rental housing unit. This chapter does not apply to public housing commission units, on-campus college or university housing units; Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed group homes; nursing

homes; hotels; motels; or owner-occupied units, other than mobile or manufactured home sitting on rented premises, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

**Section 18-139. Definitions.** For purposes of this Ordinance, the following definitions shall apply:

“Bed and Breakfast” means a place of lodging that: (1) provides not more than eight rooms for rent to no more than 20 guests at a time; (2) is located on the same property as the owner’s personal residence; (3) provides no meals, other than breakfast served to persons who rent rooms; and (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

**Commented [PW1]:** This is from the state liquor licensing statute

“Calendar Year” means the period of time starting on January 1 and ending on December 31.

“City” means the City of Marshall, its Council, and staff.

“Dwelling” means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

“Local Property Manager” means a natural person residing within 50 miles of the City of Marshall who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit, or a licensed, or bonded, and/or insured company engaged primarily in providing such services for hire.

“Occupant” means any person residing in a rental unit on a permanent or short-term basis.

“Permanent Basis” means any consecutive term of 30 days or more or inconsecutive terms adding up to more than 30 days in a calendar year.

“Premises” means a dwelling unit and the grounds on which the structure containing the dwelling unit is located, or in the case of a multiple dwelling unit structure, the dwelling units and any common areas including those both inside and outside of the building and the grounds on which the dwelling units and/or common areas are located.

“Private/vacation home rental” – Any home, cabin, condominium, bedroom(s) or similar building that is advertised as or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, hotel or motel.

“registration holder” means a person or entity to whom registration for a rental unit is issued under this ordinance.

“Rent”, “Lease”, “Let” or “Sublet” means the leasing of a rental unit to a non-owner for a fixed or non-fixed period of time and shall include other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

“Rental Unit” or “Residential Rental Unit” means any house, apartment, condominium, townhouse, room or group of rooms, constituting or located within, a dwelling and forming a single habitable unit

which is leased or rented for occupancy for a period of not less than thirty (30) days. A room offered for rent or lease to a roomer or boarder is considered a rental unit.

Renter occupied mobile home includes (1) those mobile or manufactured homes which are leased or rented for occupancy for a period of not less than thirty (30) days or (2) those owner-occupied mobile or manufactured homes that sit on a lot or premises where the lot or premises is rented or leased for a period of not less than thirty (30) days).

“Short term rental” means a dwelling, or portion of a dwelling unit, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty (30) consecutive nights. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms overnight rental, nightly rental, and vacation rental are interchangeable with short-term rentals. Additionally, for purposes of administration and enforcement of this title, general references to “rental unit” includes short term rentals unless specifically exempted. Subleasing or subletting of units for short-term rental is prohibited if the underlying zone prohibits such use. Short term rental does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; licensed convalescent care facilities; licensed group homes; licensed nursing homes; hotels; motels; or owner-occupied units, other than mobile or manufactured home on rented premises or lots, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

Other applicable terms in this Ordinance, not otherwise defined, are as defined in the State Building Code and the City Zoning Ordinances.

**Section 18-140. Registration Requirements.**

(a). It shall be unlawful for any owner to rent or cause to be rented, leased or let within the City, any Rental Unit, including short-term rental occupancy, unless that Rental Unit is registered for occupancy pursuant to a valid and current rental registration issued by the City of Marshall.

(b). Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 50 miles of the City of Marshall.

(c). Any person or entity desiring to rent, let, lease or sublet any rental unit shall apply for registration by using forms furnished by the City for that purpose. The application must provide the following information:

- i. Name, address, telephone number, and email address of the property owner.
- ii. Name, address, telephone number, and email address of the Local Property Manager.
- iii. The street address of the rental property.
- iv. The number of units within the rental property.
- v. The name, telephone number, physical and mailing address, and email address of the person authorized to make repairs or services for the property if in violation of City or State codes, if the person is different from the owner or Local Property Manager.

vii. For dwellings containing multiple rental units, a sketch of the property identifying all rental units by assigned number, and a sketch of the parking lot, unless all required parking is provided within enclosed attached garages or unless off-street parking is not required by Ordinance.

viii. For dwellings containing common entry/space, the information of the fire sprinkler system, fire panel, and fire extinguishers' most recent testing and inspection dates, when applicable.

ix. An acknowledgment that the applicant has received and reviewed the provisions of this Article, intends to abide by its provisions, and will include reference to this Article in any written agreement used in renting the property.

(d). Exemptions. This Ordinance does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; licensed convalescent care facilities; licensed group homes; licensed nursing homes; hotels; motels; or owner-occupied units, other than mobile or manufactured owner-occupied homes sitting on rented premises or lots, or to a house, townhouse or condominium which is being "rented back" to its immediate prior owner.

#### **Section 18-141. Manner Of Registration Renewal.**

(a) ~~Other than initial registrations of all existing rental properties which must be completed within \_\_\_\_\_ days of enactment of this ordinance, Initial registration of any new rental properties and renewals of existing properties shall be required each calendar year and may be issued on the calendar year basis prior to which the City received the registration on January 1 of each successive year. For purposes of this ordinance, the term "calendar year" means the period of time starting on January 1 and ending on December 31. Renewals for all registration occur on an even-numbered biennial renewal basis which means renewal occurs every other even-numbered calendar year. If an initial registration occurs in an odd numbered calendar year, the renewal of that specific registration shall be due by the 15<sup>th</sup> day of December in the next even numbered calendar year immediately following the initial registration. For rental properties in existence at the time of the effective date of this Ordinance, any rental property owner who registers their corresponding rental properties within the first six months of the effective date of this Ordinance will not owe a registration fee for their initial registration of those respective properties. No registration fee will be owed during the year of this Ordinance's original enactment.~~

(b) The City will bi-annually remind rental unit owners (or their designated Local Property Managers) of any rental unit of this requirement. Registration renewal forms, which includes a self-inspection checklist, must be delivered to the City no later than the 15th day of December each year due and must contain the same information as required for new registration in Section 18-140 herein. Failure of the City to issue reminder notice and/or failure of an owner (or Local Property Manager) to receive a reminder notice, does not excuse or waive the registration required by this Ordinance.

(c) Upon receipt of a completed registration application and payment of the applicable registration fee, City will issue a Registration Certificate for the applicable property unless otherwise prohibited under this Article or other applicable provisions of the Code.

(d) At the beginning of each calendar year in which rental unit owners (or their designated Local Property Managers) do not need to renew, rental unit owners (or their designated Local Property

Managers) will complete a self-inspection checklist for each rental unit, whether long term or short-term rental, and keep those self-inspection checklists on file and will make available to the City upon request.

**Section 18-142. Transfer Of Property.** Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City the new owner's name, physical and mailing address, telephone number, email address and fax number, if one (and the name, address, telephone number, email and fax number, if one, of the new owner's designated Local Property Manager) before taking possession of the rental property upon closing the transaction. No new registration fee is required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

**Section 18-143. Posting Of Registration.** Each rental unit registration holder must provide an up-to-date rental unit certification to the tenant/renter of each unit in building with fewer than four (4) units. Buildings with four or more units and a common entry shall have the certification posted near the common entry. Buildings with four or more units and no common entry shall either post the certification in a conspicuous location on the premises or, if not conspicuous location, then provide the current rental unit certification to the tenant/renter of each unit directly.

**Section 18-144. Fees.** The fees for registration, registration renewal, late fees and inspection may be set by resolution of the Marshall City Council adopted from time to time. The fee for registration and the fee for registration renewals are subject to the City fee schedule and are nonrefundable ~~and will not be prorated for partial terms.~~

**Section 18-145. Maintenance Of Records.** All records, files and documents pertaining to rental unit registration and rental unit inspections will be maintained by the City and will be available to the public as allowed, permitted, or required by State Law and City Ordinance.

**Section 18-146. Maintenance Standards.**

(a). Every rental unit shall be maintained in a safe, sanitary, and habitable condition and in compliance with any standards or requirements imposed by state or local statutes, codes, ordinances, or other laws applicable to rental housing, including, but not limited to the current City Housing Code and the state Fire Code. In addition, for basement living units, or sleeping ~~rooms~~ units below the ground floor, an egress window meeting the requirements of the Uniform-Minnesota Building Code, or another acceptable means of exit must be provided. Additionally, site conditions constituting a nuisance as described in this Article or elsewhere in the City Code shall be considered a violation of the Maintenance Standards of this Ordinance.

(b). Responsibilities of occupants.

(i) Occupants of a rental unit shall not remove any smoke or CO detectors or remove the batteries powering the said detectors or render them inoperable in any other way. Owners shall make good faith efforts to regularly replace batteries or inoperable detectors and must, within two (2) days of receiving notice from an occupant of a rental unit, replace expired batteries or inoperable detectors.

(ii) Occupants of a rental unit shall store and dispose of their rubbish, garbage, refuse and any other waste in accordance with their lease or rental agreement and the City Ordinance. Occupants shall not accumulate any of the above on the property except within the garbage enclosure if provided on the premises. Occupants who fail to comply with this section may be subject to applicable remedies under the lease or rental agreement. At no time does the failure of the occupants to comply with this section waive the property owners' duty for the property to comply with applicable state and local laws or regulations.

(iii) Occupants of a rental unit will park in the designated areas, or, if street parking, will limit parking to the street frontage area of the lot on which the rental unit is located.

**Section 18-147. Inspections And Investigations.**

(a). The city has the authority to inspect any Rental Housing Unit if required pursuant to the State Building Code or Housing Code which has been incorporated, by reference, into the City Code, or upon receiving a complaint of code violations. All respective designees/representatives or "contractors" identified by the City Administrator or hired by the City, are hereby authorized to make the inspections. The identities of any person filing a complaint about violations of state law or local ordinance concerning the use of real property, and any information that would identify such person, is classified as confidential information under Minnesota Statute 13.44. No employee or agent of the City shall release or reveal such information except by court order.

(b). Forms. The city shall provide forms upon which complaints may be made regarding the condition or license and registration status of any rental property.

(c). Upon receipt of a complaint, the City shall notify the owner/representative of the existence of the complaint and allow the owner/representative forty-eight (48) hours to address the issue unless the City determines that the complaint alleges an immediate safety or health concern. If the City, through review and authorization of the City Administrator, City Administrator's designee or City Attorney, deems that the complaint alleges an immediate safety or health concern ("emergency situation") or if a public safety emergency exists, all persons authorized herein on behalf of the City, after making reasonable attempts to provide notice to the owner/representative, shall have authority to enter, at reasonable times and with consent of the tenant or occupant, if any, for purposes of enforcing this ordinance. If after forty-eight (48) hours, the Complainant, either independently or in response to an inquiry by the City, notifies the City that the issue has not been addressed, the owner or occupant shall provide access to the Rental Unit upon request of the City or, if the complaint relates to a common area, then access to the common area upon request of the City. Refusal to reasonably grant access shall be grounds for rejection or suspension of a rental registration. All persons authorized herein to inspect shall have the authority to enter, at reasonable times, and following 48 hours written notice to the property owner or designated Local Property Manager for any rental unit or structure containing a rental unit registered or required to be registered, for the purpose of enforcing this Ordinance. If occupied, the City will also make a good faith effort to give the tenant or occupant reasonable notice under the circumstances in the same manner contemplated under Minnesota Statutes Section 504B.211. Property owner or designated Local Property Manager may be present while the inspection is being carried out.

(d). Fees. The owner/representative shall be assessed appropriate inspection fees if the complaint is found to be substantiated by this inspection. When a city employee or agent makes an inspection as a result of a written complaint and no violations are found the city shall issue a notice of compliance to the tenant and the owner/representative. If the complaint is substantiated by the inspection, written notice of the observed violation(s) shall be given to the owner/representative and tenant.

(e). Written notice of a violation of this Ordinance may be given to the registration holder by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail with delivery notification and receipt requested when sending that email to the email as shown by the City's registration application file or by delivery in person. Said notice may contain a Compliance Order stating that compliance with this Ordinance shall be made immediately and, in that case, the notice shall advise the registration holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the City based on good cause. In the alternative, the city will work with the owner/representative to develop a timeline for the required repairs. A re-inspection will be conducted at the expiration of the time period set for repairs. If the repairs have been completed in a satisfactory manner, a notice of compliance will be issued to the owner/representative and the tenant. In the event the repairs have not been completed in a satisfactory manner further action will be taken as permitted by this Code or state law.

(f). A registration holder may appeal pursuant to the administrative procedure process set forth in the City of Marshall City Code.

(g). If the complaint is that a residential rental housing unit is not registered, the city shall inform the owner in writing that the owner has sixty (60) days to either:

- (i) Comply with the terms of this chapter by registering the unit and by paying all applicable fees; or
- (ii) Cease rental operations.

**Section 18-148. Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.**

(a). The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance, or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota

(b). Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked, or not renewed if the registration holder complies with a compliance order or orders pursuant to this section or within a reasonably timely manner as mutually agreed upon by the City and the registration holder or their authorized agent or representative.

(i) In buildings containing more than one (1) rental housing unit, the revocation, suspension, denial, or non-renewal may apply to one (1) or more rental housing units based on specific violations.

(ii) The basis for such revocation, suspension, denial or non-- renewal includes, but is not limited to, any of the following circumstances:

- (1) The registration was procured by misrepresentation of the facts with regard to the rental dwelling unit.
- (2) The applicant or one (1) acting on his/her behalf made oral or written misstatements pertaining to the application.
- (3) The actions of the owner or owner's representative involving a rental unit have created a danger to the public health, safety or welfare.
- (4) The rental dwelling unit contains conditions that endanger the safety, health or welfare of any member of the public.
- (5) Failure to pay any required application, penalty or reinstatement fee, if any.
- (6) Failure to correct violations of this section in the time period specified in the notice of violation and correction.
- (7) Following the third instance of disorderly conduct specified in state statutes.
- (8) Any violation of this chapter or violations in the rental housing unit or premises where rental housing unit is located of the City Housing or Building Code.

(c). The City shall notify the applicant that registration has been denied, or the registration holder that registration is being suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification. The revocation shall never occur until sixty (60) day minimal grace period of suspension expiration.

(d). A determination by the City to deny, suspend, revoke or not renew registration of a rental unit may be appealed to the City Council of Marshall by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City mails such determination to the applicant or registration holder. In that event, the appeal will be heard by the Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.

(e). At any appeal of a determination by the City under this Ordinance, the registration holder or applicant, (Local Property Manager for the registration holder or applicant), or an attorney representing said party, may appear and make a presentation to the City Council. The City shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City based upon the provision of this Ordinance and upon the protection of the public health, sanitation safety or general welfare of the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.



(f). A decision of the City Council made as provided in this section may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure and Minnesota Statutes.

**Section 18-149. Additional conditions for short-term rental units.**

(a) No additional occupancy in recreational vehicles, campers, and tents shall be permitted. Off-street parking shall comply with Section 86-230, the City Parking Ordinance. Additionally, no more than two guest parking on the street shall be permitted.

(b) If the short-term rental owner owns both short-term and regular rental units in the same property, the owner must register the short-term and regular units separately. Short-term rental licenses follow the same fee structure and registration cycle as regular licenses and may include either a conversion fee or a change of ownership fee, depending on the type of unit being rented. The annual fee for a short-term rental registration shall be as established in the license fee schedule.

(c) Any person operating a short-term rental property must comply with Minnesota Department of Health rules regarding public pools and shall, during the course of any such rental period, post a sign with the information required by the Department of Health.

(d) Any identification signs must comply with City's sign ordinance.

(e) The property shall not be listed for sale at the time of initial application for registration or any renewals.

(f) If a short-term rental unit is located in a single-family residence or a duplex, the short-term rental owner must post either on the property or in the agreement, the provisions related to pets. Additionally, the property lines shall be clearly marked with hedge line, fencing, or corner posts. If pets are permitted, then, when outside, pets must be contained within the yard, including by leash or secured kennel, if the yard is not fenced in a manner that provides a containment area for the pet within the yard.

(g) The owner, local property manager, or responsible party shall include the applicable short-term rental registration or license number on all advertisements, listings, or postings of the unit.

(h) The owner of any short-term rental dwelling unit required to be registered shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than three hundred thousand dollars (\$300,000) or conduct each short-term rental transaction through a short-term rental platform that provides equal or greater coverage.

(i) Unless further restricted by occupancy laws, no short-term dwelling unit shall be occupied by more than two (2) times the number of legal bedrooms plus one. A "legal bedroom" is "any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit as required by the most recent International Property Maintenance Code regardless of property size.

(j) The owner, local property manager, or responsible party shall post the following information in a conspicuous place within each dwelling unit used as a short-term rental:

i). Emergency contact information that is accessible at all times;

- ii). Contact information for the property owner, or local property manager;
- iii). Street address;
- iv). Floor plan indicating fire exits and escape routes; and
- v). The short-term rental registration number.

(k) In Bed and Breakfast facilities, the owner shall operate and permanently occupy such facility, shall not operate other commercial enterprises, including food and beverage services to anyone other than registered guests, from such facility, and shall not permit or provide cooking equipment in guest bedrooms.

**Section 18-150. Conduct on registered premises.**

(a) The Owner, as registration holder, shall take such actions as are reasonably necessary to assist in the prevention of instances of disorderly conduct by tenants, members of tenant's household, occupants, members of occupants' household and guests. For the purposes of this section, rental housing units shall include any common areas in the building where the rental housing unit is located.

(b) Disorderly Conduct. For the purposes of this section, disorderly conduct may include, but is not limited to, the following:

(i) Illegal activity involving controlled substances as defined in MN Stat. § 152.01, et seq., in the rental housing unit.

(ii) Acts of violence or threats of violence including but not limited to discharge of firearms, prostitution, intimidation, assault, or any other act that otherwise jeopardizes the health, safety or welfare of the registration holder, his agents, tenants or any other person.

(iii) Violation of Minnesota Statute, Section 609.72, prohibiting disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the registered premises or other premises, other than the unit occupied by the person(s) committing the violation.

(iv) Violation of Minnesota Statutes 609.74 and 609.745 Public Nuisances.

(v) Violation of Minnesota Statutes 609.66, Subd. 1a, 609.67 or 624.713 Unlawful use or possession of a firearm or weapon.

(vi) Violation of Minnesota Statute 609.50 Obstructing Legal Process.

(vii) Violation of Marshall Code Chapter 14, Animals, Division 86-VI-4 Performance Standards, Noise, Chapter 42 Offences, and Chapter 50, Solid Waste.

(viii) Violation of Minnesota Statutes 609.321-609.324, prohibiting prostitution and acts relating thereto.

(ix) Violation of Minnesota Statutes 340A.401, prohibiting the unlawful sale of alcoholic beverages.

(x) Violation of Minnesota Statutes 340A.503, prohibiting the underage use of alcoholic beverages.

(c) Notice of Violations.

(i). First instance. Upon determination by the city that a rental housing unit was the location of disorderly conduct, the city shall notify the registration holder either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder and direct the registration holder to take steps to prevent further violations.

(ii). Second instance. If a second instance of disorderly conduct occurs at a rental housing unit within twelve (12) months of the time a notice was sent for previous disorderly conduct at the same unit, the city may notify the registration holder either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder of the violation and direct the registration holder to submit, within ten (10) days of the date of the notice, a written report of all actions taken by the registration holder since the first violation notice and actions the registration holder intends to take to assist in the prevention of disorderly conduct. The registration holder shall notify the tenant or tenants within ten days of the notice of disorderly conduct violation.

(iii) Third instance. If a third instance of disorderly conduct occurs at a rental housing unit within twelve (12) months after the first of two (2) previous notices of disorderly conduct at the same unit, the rental housing unit registration may be revoked, suspended, or not renewed by the city. The owner/representative has the right to appeal the decision as provided in the City of Marshall Administrative Procedure Section of the City Code.

(d) For purposes of this section, second and third instances of disorderly conduct shall be those which:

- (i) Occur at the same rental housing unit; or
- (ii) Involve tenants at the same rental housing unit; or
- (iii) Involve guests or invitees at the same rental housing unit; or
- (iv) Involve guests or invitees of the same tenant; or
- (v) Involve the same tenant.

(e) No adverse action shall be taken against the rental registration when the instance of disorderly conduct occurred during a pending eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the registration holder to a tenant to vacate the rental housing unit. However, adverse registration action may proceed when the registration holder fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if the registration holder has

taken appropriate measures which will prevent further instances of disorderly conduct which may include a failed eviction process, or if the registration holder has proceeded in good faith to secure termination of the tenancy but was unsuccessful for reasons beyond the registration holder's reasonable control.

(f) In lieu of revoking, suspending or not renewing the rental registration, the city may require an action plan to be completed and complied with by the registration holder, or local property manager within a designated time frame which outlines the steps necessary to be taken and complied with in order to correct identified violations and the measures to be taken to ensure ongoing compliance with the city code and other applicable laws.

(g) Determining disorderly conduct. A determination that the rental housing unit has been the location of disorderly conduct shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly conduct, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse registration action under this section.

(i) Enforcement. Enforcement actions provided in this section shall not be exclusive, and the city may take any action with respect to a registration holder, a tenant, or the licensed rental housing unit(s) as is authorized by the City Code or state law.

**Section 18-151. Interim Housing.** As a condition of receiving a rental unit registration, the registration holder agrees that in the event that the registration is denied, suspended, revoked, or not renewed due to the action or inaction of the registration holder or registration holder's agent, representative, employee or lessee, all tenants or sub-tenants of the residential rental unit shall be provided, at the registration holder's expense, suitable interim housing approved by the City after notice to the registration holder from the City and the expiration of a reasonable time agreed upon by the City for the registration holder to cure. The registration holder shall provide such interim housing until the registration for the unit is restored or until the end of the lease or agreement term, whichever occurs first. Failure of the registration holder to provide and/or pay for such interim housing shall be grounds for suspension of the rental unit registration held by the registration holder.

**Section 18-152. Applicable Laws.** registration holders are subject to all of the ordinances and/or laws of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

**Section 18-153. Violations, Injunctive Relief.**

(a). Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety or other codes, ordinances, and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

(b). Violation of this Ordinance is a misdemeanor. Violations include operation of a rental unit without proper registration and/or operation of a rental unit after revocation or suspension of

registration. Each separate day on which a continuing violation occurs is a separate violation. Any written or oral agreement to rent or cause to be rented, leased or let, any Rental Unit that is in violation of this Ordinance is illegal as a matter of law.

(c). This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

**Section 18-154. No retaliation.** Per Minnesota State Statute Section 5048.205, Subd. 2, Emergency calls are permitted.

(a) A landlord may not:

(i) Bar or limit a residential tenant's or short-term rental occupant's right to call for police or emergency assistance in response to domestic abuse or any other conduct, including calling the City to file a complaint; or

(ii) Harass residential tenants or short-term rental occupants for calling police or requesting emergency assistance in response to domestic abuse or any other conduct, including calling the City to file a complaint; or

(iii) Impose a penalty on a residential tenant or a short-term rental occupant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(b) A residential tenant or short-term rental occupant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

**Section 18-155. Written Notices.** Notices from the City required by this Ordinance shall be effective if personally delivered or if mailed to the addressee to the address shown in the City file pertaining to the rental unit involved in the notice.

**Section 18-156. Conflict of Ordinances; effect of partial invalidity.**

(a) Conflict. In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the City existing on the effective date of this section, or of any state or federal statute, rule or regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Article shall be deemed to prevail to the extent allowed by the State and Federal law.

(b) Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.