

ORDINANCE NO. 348

CITY OF MAPLE PLAIN

AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE CHAPTER 4, ARTICLE 13 REGARDING RENTAL LICENSING

THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN DOES ORDAIN:

SECTION 1. AMENDMENT. The Maple Plain City Code Chapter 4, Article 13 is hereby replaced in its entirety as follows:

PART 1. GENERALLY

Section 4-506. – Purpose.

It is the purpose of this article 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. This article establishes minimum standards to safeguard life or limb, health, and public welfare by regulating and controlling the use and occupancy, maintenance, and repair of all buildings and structures within the City used as rental housing. The operation of rental dwelling units is a business enterprise that entails certain responsibilities set forth herein.

With respect to rental disputes and except as otherwise specifically provided by the terms of this article, it is not the intention of the City to intrude upon the fair and accepted contractual relationship between a tenant and a landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to complaints from a tenant or a landlord which are not specifically and clearly relevant to the provisions of this article.

Sec. 4-507. Finding.

The City finds that the existence of a rental dwelling unit license and maintenance program enables it to correct substandard conditions and maintain a standard for rental dwelling units within the City to provide for the public health, safety, and welfare of its citizens.

Sec. 4-508. Scope.

This article applies to all dwelling units that are leased in whole or in part as rental dwelling units or are available as rental housing, including those in existence at the time of adoption of this article. It includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls which are on

the premises. This section does not apply to facilities currently licensed by the Minnesota Department of Health.

Sec. 4-509. 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 townhomes.

Building code means the Minnesota State Building Code.

Code official means the City Administrator or the Administrator's duly authorized representative.

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

Denial means the refusal to grant a license to a new or renewing applicant by the City.

Dwelling unit or *rental dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation. Each room or group of rooms with an entrance door to the exterior of the building or an entrance door to a common corridor or hallway is a separate dwelling unit.

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

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Code Official.

Fire code means the Minnesota State Fire Code.

Health Officer means any elected or appointed health officer of the state, the county or the City.

Infestation means the presence of insects, rodents or other pests in numbers large enough to be harmful, threatening or obnoxious to human life.

Lease means an oral or written agreement between a rental dwelling unit owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

License means the formal approval of an activity specified on the certificate of license issued by the City.

License application means the form provided by the City, which must be completed by the owner, by which an owner requests a license.

Licensee means an owner of a rental dwelling unit who has been issued a license by the City for the rental dwelling unit.

Manager means a person or entity who has charge, care or control of a rental dwelling.

Nuisance means any of the following:

- (1) Any act that constitutes a public nuisance under state statute or City Code.
- (2) Any unsafe condition that is attractive to minors, including, but not limited to, unprotected well openings or excavations, abandoned refrigerators and structurally unsound fences;
- (3) Overcrowding of a rental dwelling unit with human occupants or personal property;
- (4) Insufficient ventilation or illumination of a rental dwelling unit;
- (5) Inadequate or unsanitary sewage or plumbing facilities serving a rental dwelling unit; or
- (6) Any unsafe condition, as determined by the Code Official or Health Officer.

Owner means a person or entity that owns or has any ownership interest in a rental dwelling.

Premises means the real estate upon which any rental dwelling unit subject to this article is located.

Refuse means all putrescible and non-putrescible waste solids, including garbage and rubbish.

Rent means the consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

Rental dwelling means any building containing one or more dwelling units.

Rental license means a license issued by the City pursuant to this article.

Revoke means to take back a license issued by the City.

Single-family dwelling means a building or portion thereof containing one dwelling unit. For purposes of this article, a single-family dwelling unit includes a freestanding single-family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a nonresidential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

Sleeping room means any room used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the Minnesota Department of Health.

Suspend means to make a license temporarily inoperative.

Tenant means any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the rental dwelling unit.

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.

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

Secs. 4-510—4-540. Reserved.

PART 2. REGISTRATION AND LICENSING.

Section 4-541. – Rental license; issuance.

- (a) *License required; dwelling inspections.* No owner or manager shall allow the occupancy of a rental dwelling unit by a tenant prior to the issuance of a rental license by the City. Further, no owner or manager shall allow the occupancy of a dwelling unit by a tenant after the expiration of the rental license unless the rental license has been properly renewed. Upon receipt of the properly executed application for a rental license, the Code Official shall, after request by the owner on such form as the Code Official requires, cause an inspection to be made of the

rental dwelling unit to determine whether it is in compliance with this article, other City ordinances and the laws of the state. Every rental dwelling unit shall be re-inspected after a renewal license application is filed to determine if it conforms to all applicable codes and ordinances.

- (1) *License application filed; contents.* A license application shall be submitted to the Code Official on a form furnished by the City and must contain the following information:
 - a. Name, address, email, and telephone number of the owner of the rental dwelling unit. This is the address that all future correspondence from the City will be sent to. The owner shall indicate if the owner is a corporation, partnership or sole proprietorship;
 - b. Name, address and telephone number of any owner's agent responsible for the management of the rental dwelling unit;
 - c. Legal address of the rental dwelling unit;
 - d. Number and type of dwelling unit (one bedroom, two bedroom and the like); and
 - e. Other information as deemed necessary by the Code Official.
- (2) *Changes in ownership and amended licenses.* A license is not assignable. Any changes occurring in the ownership of a rental dwelling unit require a new license. The new owner must obtain a new license within 30 days of acquiring the premises. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within 30 days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional rental dwelling units.
- (3) *Bi-annual licensing.* All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire bi-annually at 12:00 midnight on June 1 of even-numbered years. The license for each rental dwelling unit must be renewed bi-annually on or before June 1 of even-numbered years. Rental dwelling units must be registered as a sleeping room, a single-family dwelling, a two-family dwelling or an apartment building. The fully completed license application must be submitted to the City with the required fee no later than April 15 of the even-numbered year. The owner or applicant must complete such forms as the Code Official requires and arrange for the inspection by the Code Official on or before May 1 of the even-numbered year.
- (4) *License fee.* The license fee required by this article shall be set forth in the fee schedule. Such fee must accompany the license application. The license fee

may be increased when an application is received after the established deadline. Rental dwelling units owned or under the control of the City must be licensed, but are exempt from paying license fees.

- (5) *Record retention.* The license application and all other documents pertinent to a rental dwelling unit shall be kept on file in the office of the Code Official. A copy shall be furnished to the owner or other authorized person upon request.
- (b) *Exceptions.* The provisions of this article do not apply to, and a rental license is not required for:
 - (1) Dwellings occupied by an immediate relative. For the purpose of this exemption, the term "relative" shall be defined as a spouse, partner, parent, stepparent, child, stepchild, grandparent, grandchild, sibling, uncle, aunt, nephew, and niece. The compliance official may require sufficient written proof from the owner stipulating the relationship and living agreements.
 - (2) Hospitals, nursing homes, assisted living, memory care, or other institutional facilities used for human habitation where medical or mental health treatment services, or both, are provided and licensed by state or federal agencies concerning the safety of the users or patients.
 - (3) Residential property that has been sold by contract for deed if the buyer occupies the property and the sale document used to memorialize the sale is a state uniform conveyancing form or is recorded with the County Recorder's office and a copy is provided to the City upon request.
- (c) *Issuance of License.* The City shall issue a license if, following inspection by the Code Official, the rental dwelling unit and the license application are found to be in compliance with the provisions of this section and any required license fees are paid. A license will be issued for each rental dwelling unit. If two or more rental dwelling units are located within a single building, each rental dwelling unit must have a separate license.
- (d) *Apartment buildings.* In any apartment building, a single license shall be issued for all of the dwelling units in that building. When more than one apartment building containing dwelling units exists on one premises or parcel, a separate license shall be required for each building.

Sec. 4-542. Conformance to laws.

No license shall be issued unless the rental dwelling and its premises conform to the ordinances of the City, the Minnesota State Building Code, and all applicable laws of the state.

Sec. 4-543. Authority.

The Code Official shall be responsible for the enforcement and administration of this article. Authority to take any action authorized under this article may be delegated to the Code Official's authorized designee.

Sec. 4-544. Inspection.

No license shall be issued unless the owner agrees in the application to permit inspections. The act of filing an application with the City for a license shall be deemed to be the owner's consent to such inspections and to all other provisions in this article. The Code Official may, in addition to inspections in conjunction with a license application, set up a schedule of periodic inspections to ensure compliance with this article. The Code Official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. The refusal of any licensee to permit such inspections is a violation of this article and the terms and conditions of the license, and shall be sufficient grounds for license suspension and revocation. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under their control for an inspection pursuant to this article, the Code Official may secure an administrative search warrant or may pursue any such other remedies provided by City ordinance or provided by law and equity.

Sec. 4-545. Posting of license.

Every licensee of a rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for that dwelling.

Secs. 4-546—4-576. Reserved.

PART 3. MAINTENANCE, CONDITIONS, AND STANDARDS

Sec. 4-577. Substandard dwelling unit.

No substandard dwelling units are allowed. A substandard dwelling unit is any rental dwelling unit that is not safe due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, abandonment or any other reason determined by the City.

Sec. 4-578. Improper occupancy and occupancy limits.

No rental dwelling shall be used in a manner inconsistent with its design or construction. A rental dwelling unit shall be limited to the maximum permissible occupancy determined according to the occupancy limitations of the International Property Maintenance Code. An owner may adopt standards that reduce the maximum occupancy of a dwelling unit from the standards set in the International Property Maintenance Code.

Sec. 4-579. Smoke detectors.

Each rental dwelling unit shall have an approved and operational smoke detector installed in the manner and located required by Minn. Stat. § 299F.362, as may be amended from time to time. No smoke detector installed in a rental dwelling unit shall be allowed to remain disabled or non-functional. If a smoke detector is reported to be disabled or non-functional, the owner or manager shall take immediate action to render the smoke detector operational or replace it.

Sec. 4-580. Carbon monoxide alarms.

Each rental dwelling unit shall have an approved and operational carbon monoxide alarm installed within ten feet of each room used for sleeping purposes as required by Minn. Stats. §§ 299F.50 and 299F.51, as may be amended from time to time, unless an exception listed in Minn. Stats. § 299F.51, subd. 5, as it may be amended from time to time, applies.

Sec. 4-581. Fuel storage.

LP tanks, gasoline tanks and kerosene tanks shall only be stored outdoors.

Sec. 4-582. Fueled equipment.

Fueled equipment, including, but not limited to, motorcycles, mopeds, lawncare equipment and portable cooking equipment, shall only be stored outdoors or in the garage of a rental dwelling.

Sec. 4-583. Barbecues and open flames.

No person shall kindle, maintain or cause any fire or open flame on any balcony above ground level, on any roof or on any ground floor patio within 15 feet of any rental dwelling unit. Further, no person shall store or use any fuel, barbecue, torch or similar heating or lighting chemicals or device in such locations.

Sec. 4-584. Sidewalks, walkways, stairs, driveways, and the like.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on a premises shall be kept in a proper state of repair and maintained free from hazardous conditions.

Sec. 4-585. Defacement of property.

If a rental dwelling is defaced by graffiti, the graffiti shall promptly be removed.

Sec. 4-586. Maintenance of shared or public areas.

Every owner shall maintain rental dwellings in a clean, sanitary, and safe condition, including the shared or public areas of the rental dwelling or rental dwelling unit and its premises.

Sec. 4-587. Maintenance of occupied areas.

All occupied areas shall be maintained in a clean, sanitary, and safe condition.

Sec. 4-588. Pest infestations.

No rental dwelling or rental dwelling unit shall allow the accumulation of materials in such a manner that may provide rodent harborage in or about any rental dwelling, rental dwelling unit, public or shared area, or building. Materials stored shall be stacked neatly. Pest extermination shall be the responsibility of the owner.

Sec. 4-589. Minimum exterior lighting.

The owner of a rental dwelling shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways, subject to the light standards provided by City Code and the Building Code.

Sec. 4-590. Maintenance of driving and parking areas.

The owner shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.

Sec. 4-591. Door locks.

No owner shall occupy or let to another for occupancy any rental dwelling or rental dwelling unit unless all exterior doors of the rental dwelling or rental dwelling unit are equipped with safe, functioning locking devices. Multiple-tenant dwellings shall be furnished with door locks as follows:

- (1) For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-tenant dwelling units, and except as otherwise permitted or required by state law, an approved security system shall be maintained for each multiple-tenant dwelling unit to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual rental dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.
- (2) Every door that is designed to provide ingress for a rental dwelling unit within a multiple-tenant dwelling unit shall be equipped with an approved lock that

has a deadbolt that cannot be retracted by end pressure; provided, however, that such door shall be operable from the inside without the use of a key or any special knowledge or effort.

Sec. 4-592. General maintenance; exterior structures.

All fences and accessory structures are to be properly maintained in good repair and appearance. Fences shall be constructed of metal, wood, masonry, or other decay resistant material. Material for such structures may also be made weather resistant through the use of decay resistant materials, such as paint or other preservatives.

Sec. 4-593. Access through sleeping rooms and bathrooms.

Except as otherwise permitted or required by state law, no rental dwelling unit containing two or more sleeping rooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by tenants of more than one sleeping room can be gained only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be gained only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar, or to the exterior of any rental dwelling or rental dwelling unit.

Sec. 4-594. Property as a nuisance.

The property shall not constitute a nuisance.

Sec. 4-595. Responsibility for utility billing.

Utility billing shall be billed to the owners address on file with the rental permit application in accordance with the total amount of utilities used on the rental dwelling property for the given period. It shall be the responsibility of the owner or owner's agent to properly distribute utility costs to the appropriate tenant.

Secs. 4-596—4-637. Reserved.

PART 4. SAFE RENTAL HOUSING

Sec. 4-638. Definitions.

The definitions in section 4-509 shall apply to this part, unless modified or supplemented below. The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Criminal activity means prostitution, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful discharge of firearms, or any other

criminal activity on or near the premises that jeopardizes the health, safety and welfare of the owner or manager, or any tenant, neighbor, or other third party, or involving imminent or actual serious property damage, or an activity that constitutes one of the enumerated instances of disorderly conduct in section 4-641.

Drug related criminal activity means the illegal manufacture, sale, distribution, use, or possession with or without intent to manufacture, sell, distribute, or use a controlled substance or any substance represented to be drugs as defined in section 102 of the Controlled Substances Act (21 USC 802).

Section 4-639. – Criminal background check.

- (a) The City recommends, but does not require, that an owner or manager of a rental dwelling conduct a criminal background check on all prospective tenants. If conducted, a criminal background check should include the following:
 - (1) A statewide criminal history check of all prospective tenants covering the last five years utilizing the most recent update of the state criminal history files;
 - (2) A statewide criminal and civil court records check of all prospective covering at least the last five years including all misdemeanor, gross misdemeanor, and felony convictions related to property offenses, fraud, violence against persons, or sex offenses;
 - (3) A statewide criminal history check of any prospective tenant in their previous states of residence, if available, covering the last five years if they have not resided in the state for five years or longer.
- (b) The owner or manager shall maintain a current register of tenants and other persons who have a lawful right to occupancy of any rental dwelling unit. The register of tenants must include the full name, date of birth, and the most current telephone number available for each tenant or other lawful occupants. The tenant register must be available for review by the City upon request.
- (c) If an owner or manager undertakes a criminal background check, a review of the results should focus on felony convictions relating to property offenses, fraud, violence against persons, and sex offenses. If the owner or manager intends to rely on a background check to deny any prospective tenancy, the owner or manager must conduct an individualized assessment of the prospective tenancy after allowing the prospective tenant a reasonable opportunity to supply additional information. It is not the intention or desire of the City to intrude on the decision-making of an owner or manager as to prospective tenants, but rather to assure that all prospective tenants receive a fair opportunity to secure housing.

Section 4-640. – Lease requirements.

- (a) *Lease addendum.* All tenant leases for a rental dwelling, except for those dwellings or property that do not require a rental license pursuant to section 4-541

and subject to all preemptory state and federal laws, shall contain the following language or equivalent:

- (1) Tenant, any members of the tenant's household, a guest or other person affiliated with a tenant shall not engage in criminal activity, including drug-related criminal activity on the premises.
 - (2) Tenant, any member of the tenant's household or a guest or other person affiliated with tenant shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity on the premises.
 - (3) Tenant, any member of the tenant's household, or a guest or other person affiliated with the tenant shall not permit the dwelling to be used for or to facilitate criminal activity, including drug-related criminal activity.
 - (4) Tenant, any member of the tenant's household or a guest or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance on the premises.
- (b) *Non-exclusive remedies.* The lease addendum is in addition to all other terms of the lease and does not limit or replace any other provisions.
- (c) *Incorporation.* The lease addendum shall be incorporated with all new and renewed leases for a tenancy.
- (d) *Copy made available.* A copy of any and all leases and lease addendums for property subject to an active rental license under this article shall be made available upon request by the City.

Section 4-641. – Conduct on rental properties.

- (a) *Disorderly conduct.* The owner or manager of a rental dwelling shall be responsible for ensuring that persons occupying a rental dwelling unit, whether as tenants or guests, conduct themselves in such a manner as to not cause the premises to be disorderly. “Disorderly conduct” means conduct on or near the premises that is prohibited by any of the following regulations:
- (1) Gambling in violation of Minn. Stats. §§ 609.75 through 609.76.
 - (2) Prostitution and acts relating thereto in violation of Minn. Stats. §§ 609.321, 609.322, and 609.324.
 - (3) The unlawful sale or possession of controlled substances as prohibited by Minn. Stats. §§ 152.01 through 152.025, and 152.027, subs. 1 and 2.
 - (4) The unlawful sale of alcoholic beverages as prohibited by Minn. Stat. § 340A.401.

- (5) The unlawful possession, transportation, sale, or use of a weapon as prohibited by Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and chapter 6, article 3, of this Code.
 - (6) Disorderly conduct in violation of Minn. Stat. §609.72, when the violation disturbs the peace and quiet of the occupants of at least one rental dwelling unit on the licensed premises or other premises, other than the unit occupied by the persons committing the violation.
 - (7) Failure to comply with dangerous or potentially dangerous dog requirements in violation of chapter 4, article 11 of this Code or Minn. Stats. Ch. 347.
 - (8) Obscenity crimes, as defined by Minn. Stats. §§ 617.23, 617.241, 617.246, 617.247.
 - (9) Assault, as defined by Minn. Stats. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.
 - (10) Public nuisance, as defined by chapter 6, article 2 of this Code or Minn. Stats. §§ 609.74 and 609.745.
 - (11) The unlawful sale, furnishing, use, or possession of intoxicating liquor in violation of chapter 4, article 10 of this Code and state law.
 - (12) Criminal damage to property in violation of Minn. Stat. § 609.595.
 - (13) The unlawful sale or possession of cannabis in violation of Minn. Stats. §§ 152.0263 and 152.0264.
 - (14) Interference with a police officer in violation of Minn. Stat. § 609.50.
 - (15) Terroristic threats in violation of Minn. Stat. § 609.713.
 - (16) Committing a crime for benefit of a gang in violation of Minn. Stat. § 609.229.
 - (17) Criminal sexual conduct in violation of Minn. Stats. §§ 609.342—609.3451.
 - (18) Burglary in violation of Minn. Stat. § 609.582.
 - (19) Stalking in violation of Minn. Stat. § 609.749.
 - (20) Trespassing in violation of Minn. Stat. § 609.605.
 - (21) Theft in violation of Minn. Stat. § 609.52.
 - (22) Receipt of stolen property in violation of Minn. Stat. § 609.53.
 - (23) Aiding an offender in violation of Minn. Stat. § 609.495.
 - (24) Tampering with a motor vehicle in violation of Minn. Stat. 609.456.
 - (25) Arson in violation of Minn. Stats. §§ 609.561—609.5632.
- (b) Exemptions. The following actions shall not be considered disorderly conduct:

- (1) Where there is a report of domestic abuse between family or household members as defined in Minn. Stat. § 518B.01, subd. 2.
 - (2) Where there is a report of criminal sexual conduct as defined in Minn. Stats. §§ 609.342—609.3451 between family or household members.
 - (3) Calls for assistance related to mental health or other health crises.
 - (4) When there is an emergency call as defined in Minn. Stat. § 609.78, subd.3, resulting from a tenant, a member of a tenant’s household, or a guest seeking emergency assistance protected by Minn. Stat. § 504B.205.
- (c) *Determining disorderly conduct.* A determination that disorderly conduct as described in subsection (a) of this section has occurred shall be made by the West Hennepin Public Safety Department when there is a preponderance of evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly conduct, nor shall the dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this article. For purposes of this section, preponderance of evidence shall mean evidence to support a reasonable determination that it is more likely than not that the alleged conduct occurred, A person adversely affected by such determination may appeal the decision as set forth in section 1-20 of this Code.
- (d) *First instance of disorderly conduct.* Upon determination by the West Hennepin Public Safety Department that disorderly conduct, as described in this section, has occurred, the Code Official shall notify the owner or manager of the rental dwelling of the violation and shall direct the owner or manager to take steps to prevent further violations. Notice may be personally served on the owner or manager, sent by certified mail to the owner and manager’s last known address or, if neither method of service effects notice, by posting on a conspicuous place on the rental dwelling unit.
- (e) *Second instance of disorderly conduct.* If a second instance of disorderly conduct as determined by the West Hennepin Public Safety Department occurs at the same rental dwelling unit or in relation to the same tenant within the 12-month period following an incident for which notice was sent pursuant to subsection (d) of this section, the Code Official shall notify the owner and manager of the violation and require the owner or manager to submit a written report to the Code Official within 15 business days of receipt second notice of disorderly conduct that details the actions taken, and proposed to be taken, to prevent further disorderly conduct. Any strikes previously issued to a rental dwelling unit shall be exonerated if:
- (1) The tenant occupying the rental dwelling unit at the time the strikes were issued vacates the rental dwelling unit.
 - (2) The vacating tenant does not relocate to another rental dwelling unit owned by the owner or manager; and

- (3) The owner or manager enters into a new lease with tenants who have not previously caused an incident of disorderly conduct in a rental dwelling unit owned by the owner or manager in the previous 12-months.
- (f) *Third instance of disorderly conduct.* If a third instance of disorderly conduct as determined by the West Hennepin Public Safety Department occurs at the same rental dwelling unit or in relation to the same tenant within the 12-month period following any previous instances of disorderly conduct for which notices were given pursuant to subsections (d) and (e) of this section, the Code Official shall notify the owner and manager of the violation and require the owner or manager to submit a written report to the Code Official within 15 business days of receipt of the third notice of disorderly conduct that details the actions taken and whether the offending tenants will be vacating or continuing to occupy the rental dwelling unit. If no written report is received or the offending tenants are continuing to occupy the rental dwelling unit, the Code Official may cause the rental license to be revoked, suspended, or not renewed pursuant to Section 4-675. Any strikes previously issued to a rental dwelling unit shall be exonerated if:
- (1) The tenant occupying the rental dwelling unit at the time the strikes were issued vacates the rental dwelling unit.
 - (2) The vacating tenant does not relocate to another rental dwelling unit owned by the owner or manager; and
 - (3) The owner or manager enters into a new lease with tenants who have not previously caused an incident of disorderly conduct in a rental dwelling unit owned by the owner or manager in the previous 12-months.
- (g) *Postponing license action.* No adverse license action shall be imposed where the third instance of disorderly conduct occurred:
- (1) During the pendency of eviction proceedings (unlawful detainer) where the owner or manager is diligently pursuing the eviction; or
 - (2) Within 30 days of notice given to a tenant to vacate the premises due to the disorderly conduct of that tenant or by occupants or guests of the tenants rental dwelling unit.

Sec. 4-642. No retaliation.

Per Minn. Stats. § 504B.205, subd. 2, as it may be amended from time to time:

- (3) A landlord may not:
 - a. Bar or limit a residential tenant’s right to call for police or emergency assistance in response to domestic abuse or any other conduct; or

- b. Impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.
- (4) A residential tenant 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.

Secs, 4-643–4-671. Reserved.

PART 5. ENFORCEMENT, APPEALS, AND PENALTY

Sec. 4-672. Responsibilities.

Owners are liable for violations of this article even though an obligation is also imposed on a manager or tenant and even if an owner has, by agreement, imposed on the manager or tenant the duty of complying with this article or any part hereof.

Sec. 4-673. No warranty by City.

By enacting and undertaking to enforce this article, the City, the City employees and the City Council and its agents do not warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners and tenants should take whatever steps are deemed appropriate to protect their interests, health, safety and welfare.

Section 4-674. – Enforcement.

- (a) *Authority.* The Code Official shall enforce or cause the enforcement of this article. The Code Official shall have the power to render interpretations of this article in conformity with the intent and purpose of this article.
- (b) *Compliance inspections.* When the Code Official or a Health Officer has reasonable cause to believe that a condition exists in regard to a rental dwelling or the premises that violates this article, including, but not limited to, a tenant complaint made in good faith, the Code Official or Health Officer may enter the rental dwelling to inspect, reinspect, or otherwise perform the duties imposed by this article. No such entry shall be made, however, unless:
 - (1) The owner, manager, or tenant permits entry;
 - (2) The Code Official or Health Officer secures an administrative warrant from a court with jurisdiction; or
 - (3) An emergency exists.
- (c) *Compliance orders.* The Building Official or designee is authorized to issue compliance orders to the owner of any rental dwelling or rental dwelling unit that is found to be in violation of any provision of this article or other applicable

statutes, ordinances, codes, or other law. The compliance order shall state the following:

- (1) The nature of each violation, including a citation to the specific provision of this article or other applicable law that has been violated.
- (2) The time within which each violation must be remedied. The time provided for compliance for each violation shall be determined by the official issuing the compliance order, in the official's sole discretion, based on the nature and severity of the violation and the magnitude of the risk it presents to the health, safety, and welfare of the tenant or any other person; provided, however, that the compliance period shall not exceed 30 days except in extraordinary circumstances upon a showing that a 30-day compliance period would create an undue hardship for the owner or manager and that a longer compliance period would not pose an unreasonable risk to the public health, safety, or welfare. In such cases, the compliance period shall be no longer than necessary to prevent the hardship that would otherwise be created.

Sec. 4-675. Revoking, suspending, denying or not renewing license; effect.

(a) *Generally.*

- (1) *License action.* The City Council may 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 declination may apply to one or more rental dwelling units at the discretion of the City Council. The basis for such revocation, suspension, denial or non-renewal includes any of the following circumstances:
 - a. The license was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit;
 - b. The owner, applicant or one acting in their behalf made oral or written misstatements accompanying the license application;
 - c. The owner, applicant or one acting in their behalf has failed to comply with any condition set forth in any other permits granted by the City for the premises or a rental dwelling unit on the premises;
 - d. The activities of the owner/applicant create or have created a danger to the public health, safety or welfare for the premises or a rental dwelling unit on the premises;
 - e. The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public;
 - f. Failure to pay any application fee required by this article;
 - g. Following the third instance of disorderly conduct as set forth in section 4-641 of this Code;

- h. Violation of any regulation or provision of this article applicable to the activity to which the license has been granted or any regulation or law of the state so applicable;
 - i. Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the license; and/or
 - j. Any violation of this article.
- (2) *Notification.* The Code Official shall notify the owner or the owner's agent in writing of the basis for the revocation, suspension, denial or nonrenewal and the date upon which the City Council shall review the request to revoke, suspend or deny the license or if the basis for a nonrenewal of the license is for a reason other than the physical condition of the rental dwelling unit or the premises. The notice required by this section shall be served upon the owner or the owner's agent at least 20 days before the City Council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the license application. It shall be the responsibility of the owner or the owner's agent to notify the tenant in writing of the hearing date, time and place.
- (3) *Hearing.* The owner or the owner's agent shall be given an opportunity for a hearing in front of the City Council. At the hearing, the owner and the Code Official shall have opportunity to present evidence, but the strict rules of evidence shall not apply. The City Council shall receive and give weight to evidence.
- (4) *Decision.* The City Council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny or non-renew (solely for issues not related to physical condition of the rental dwelling unit or the premises) a license based on the findings. The City Council shall issue a written decision regarding the recommendation of the Code Official within 30 days following the date of the hearing and shall notify the appellant of the decision by first class mail with a duplicate copy to the Code Official. The decision shall specify the rental dwelling unit or the premises to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling unit that has had its rental license revoked, suspended, denied or non-renewed may be re-let or occupied. Revocation, suspension, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.
- (5) *License process after revocation, suspension, denial, or renewal declination.* After the City Council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling units until the Code Official determines that the

applicant/licensee has remedied the conditions identified by the City Council as the basis for its action. A license application to obtain a license for a rental dwelling unit after the City Council has revoked, suspended, denied or declined to renew a license for the same rental dwelling unit must be accompanied by all fees required by this article.

- (b) *Effect of revocation, suspension, denial, or non-renewal.* 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 then vacant, or thereafter vacated, rental dwelling unit until such time as a valid rental license is obtained for the rental dwelling unit. Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in section 4-541.

Sec. 4-676. Posted to prevent occupancy.

Whenever any rental dwelling unit has been denied an initial license or had its license revoked, suspended, denied or not renewed, the rental dwelling unit shall be posted by the Code Official to prevent further occupancy. No person, other than the Code Official, shall remove or alter any posting. The Code Official will post the date the rental dwelling unit shall be vacated, and no person shall reside in, occupy or cause to be occupied that rental dwelling unit until the Code Official permits it.

- (1) *Compliance order.* If the Code Official or Health Officer finds that any violation of this article has occurred, the Code Official or Health Officer may immediately seek to enforce the violation. In the alternative, the Code Official or Health Officer may prepare a compliance order listing all violations and the dates when such violations must be corrected. If a compliance order is issued, the owner, manager or tenant shall correct all violations, or cause them to be corrected, within the time limit set forth by the Code Official or Health Officer. Any violation timely corrected in compliance with such an order shall be deemed remedied by the City and shall not form the basis for a rental license suspension or revocation. Extensions of time to correct may be granted by the Code Official or Health Officer. A request for extension of time shall be made and delivered to the Code Official or Health Officer prior to the expiration date of the applicable correction period. Extensions may be granted by the Code Official or Health Officer upon due evidence shown that the owner, manager or tenant, as applicable, is using all reasonable means to timely correct the violation.
- (2) *Notice to vacate.* The Code Official may post any rental dwelling unit as being in violation of this article and prevent further occupancy by a tenant if a rental dwelling unit is determined, in the opinion of the Code Official

and as defined in this article, a substandard dwelling unit. At the time of posting, notice shall be sent to the owner via U.S. mail. Existing tenants shall have 45 days to vacate a posted rental dwelling unit if they are in occupancy at the time of posting, except that occupants shall immediately vacate a posted rental dwelling unit if such occupancy will cause imminent danger to the health or safety of the tenants. No person, other than the Code Official, shall remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or rental dwelling which has been posted to prevent occupancy, except as set forth herein.

Sec. 4-677. Appeal.

Any owner, manager, or tenant may appeal from any notice and order or any action of the Code Official or Health Officer under this article in the time and manner provided in City Code Section 1-20.

Sec. 4-678. Restrictions on transfer of ownership.

It shall be unlawful for the owner of any rental dwelling or its portion upon whom a pending compliance order has been served concerning the rental dwelling to sell, transfer, mortgage, lease, or otherwise dispose to another person until the provisions of the tag and compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order, and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the rental dwelling or its portion who has received notice of the existence of a violation tag or compliance order shall be bound by the same without further service of notice and shall be liable to all penalties and procedures provided by this article.

Sec. 4-679. Penalty

- (a) A person violates the provisions of parts 2 and 3 of this article and section 4-594 may be charged with a misdemeanor. Each day that a violation continues shall be deemed a separate offense. The Code Official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until the code violations are corrected.
- (b) A violation of any provision of sections 4-595 and 4-642 and this part is a misdemeanor. Each day the violation continues is a separate violation. In the alternative, the City shall impose the following administrative penalties upon the owner: \$50.00 fine, plus an additional charge of \$5.00 per day commencing on the day the alleged violation occurs. If, however, the owner has been given a specified correction period by the Code Official, the fine shall be waived if the violation is confirmed corrected by the Code Official before the expiration of such period.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Plain this _____ day of _____, 2025.

Mayor
ATTEST:

Julie Maas-Kusske,

Jacob Schillander, City Administrator

Published in the _____ on _____, 2025.