

**SPRING LAKE PARK
ORDINANCE 473**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE SPRING LAKE PARK CODE
OF ORDINANCE RELATING TO BUILDING REGULATIONS; CONSTRUCTION**

NOW THEREFORE, be it ordained by the Council of Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “12.16.010 Definitions - Housing Maintenance And Occupancy” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.16.010 Definitions - Housing Maintenance And Occupancy

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONVERSION. Property conversion shall include all existing residential property that has not previously been registered as rental property in Spring Lake Park.

RENTAL PROPERTIES. All residential properties where the owner of record does not reside at the property and is used as a primary residence by a person or persons, related or not, to the owner of record, or when a room or rooms are rented out for a fee.

RESIDENTIAL. All properties located within an R-1, R-2, and R-3, ~~R-4, R-5, and R-6~~ zones.

SECTION 2: **AMENDMENT** “12.16.030 Rental Units; Operating License Required” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.16.030 Rental Units; Operating License Required

No person shall operate a rental dwelling without first obtaining a license to do so from the city as hereinafter provided and outlined in the Housing Maintenance Inspection Policy, as amended from time to time. The license shall be issued for a period of one year. Each operating license shall expire on December 31 of each year. License renewals must be filed by November 1 of each year. A delinquent penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners of rental dwellings.

SECTION 3: AMENDMENT “12.16.050 License Application” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.16.050 License Application

- A. License application or renewal shall be made by the owner of rental units or his or her legally constituted agent. Application forms may be acquired from and subsequently filed with the City Administrator, Clerk/Treasurer.
- B. The applicant shall supply:
 - 1. The name, address, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
 - 2. The name, address, and telephone number of the designated resident agent, if any;
 - 3. The name, address, and telephone number of the vendee, if the dwelling is being sold through a contract for deed;
 - 4. The legal address of the dwelling; ~~and~~
 - 5. The number of dwelling units within the dwelling;
 - 6. Owner, agent or manager to whom notices of violation should be directed pursuant to this ordinance (the "Licensee's Designee" herein); and
 - 7. A list of all rental units owned by applicant, including address.
- C. Failure to complete, in full, the required license application shall be grounds for denial of the license.
- D. Licensee is deemed to have been notified of any violations the notice of which is provided to the Licensee's Designee.

SECTION 4: AMENDMENT “12.16.140 License Suspension Or Revocation” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.16.140 License Suspension Or Revocation

- A. A license issued or renewed under this section may be revoked or suspended upon a finding of noncompliance with the provisions of this chapter. Reinstatement of a suspended or revoked license shall be accompanied by a fee in the amount set under SLPC 3.16.030. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.
- B. The City Council may, for cause, revoke or suspend a license, or take other action restricting the privileges of a license subject to the following requirements:
 - 1. The City, through its Building Official, or designee, provides the licensee with a written statement of reasons or causes for the proposed City Council action together with a notice for public hearing.
 - 2. The City Council shall conduct a public hearing on the proposed action and provide findings of fact and citations to any ordinances or regulations that have been violated, together with a statement of action taken and the conditions of any resulting revocation, suspension or other action restricting the privileges of the licensee.
 - 3. The Building Official, or designee, shall forward the findings and statement of action taken to the license by mailing the same to the mailing address indicated on the license application or to any other address provided by the licensee.
- C. A violation of any provision of this chapter or of state law, prescribing standards of conduct or regulations governing a license, the particular type of business or commercial activity or trade or occupation that is licensed or the premises where the licensed activity is conducted shall be a prima facie showing of cause for revocation, suspension, or other action restricting the privileges of a licensee as the City Council may determine.
- D. Nondisclosure, misrepresentation or misstatement of a material fact in any application for a license under this chapter shall be a prima facie showing of cause for revocation, suspension or other such action restricting the privileges of a licensee as the City Council may determine.
- E. Any person or owner who has an interest in two or more licenses revoked pursuant to this code shall be ineligible to hold or have an interest in an occupancy for a period of five years.

~~Every operating license issued under the direction of this chapter is subject to suspension or revocation by the City Council should the licensed owner or his or her duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinances of the city and the laws of the state. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his or her duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council.~~

SECTION 5:**AMENDMENT** “12.16.180 Responsibility For A Licensee Relating To The Conduct Of Occupants Or Guests” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.16.180 Responsibility ~~For~~Of A Licensee Relating To The Conduct Of Occupants Or Guests

- A. *Conduct on licensed premises.* It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupants which is in violation of any of the following statutes or ordinances:
1. M.S. §§ 609.75 through 609.76, as they may be amended from time to time, which prohibit gambling;
 2. M.S. §§ 609.321 through 609.324, as they may be amended from time to time, which prohibit prostitution and acts relating thereto;
 3. M.S. §§ 152.01 through 152.025 and 152.027, subs. 1 and 2, as they may be amended from time to time, which prohibit the unlawful sale or possession of controlled substances;
 4. M.S. § 340A.401, as it may be amended from time to time, which regulates the unlawful sale of alcoholic beverages;
 5. M.S. § 609.33, as it may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
 6. M.S. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, as they may be amended from time to time;
 7. M.S. §§ 609.71, 609.713, and 609.715, as they may be amended from time to time, regarding riots, terroristic threats and presence at unlawful assembly;
 8. M.S. § 609.72, as it may be amended from time to time, which prohibits disorderly conduct;
 9. SLPC 9.20.020 Paragraphs A through F, SLPC 13.04.010 Paragraphs A and B, SLPC 13.04.020 Paragraphs A through F, SLPC 13.04.030 Paragraph A, SLPC 13.04.020 Paragraph G and SLPC 13.08 regulating nuisances, disorderly conduct, prostitution, weapons violations and similar conduct; or
 10. M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, as they may be amended from time to time, regarding assaults in the first, second, third, fourth and fifth degree.
- B. *Enforcement and administration.*
1. The Chief of Police or his/her designee shall be responsible for enforcement and administration of this section.
 2. Upon determination by the Chief of Police that a licensed premises or dwelling unit was involved in a violation of Paragraph A, the Chief of Police

- shall notify the licensee by first class mail of the violation and direct the licensee to take steps to prevent further violations. A copy of the notice shall be sent by first class mail to the occupant in violation of Paragraph A.
3. Upon a second violation within 12 months of Paragraph A involving the same occupant, or a guest of the same occupant of a dwelling unit, the notice provided under Paragraph B,2 shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. This written report shall be submitted to the Chief of Police within ten business days of request of the report and shall detail all actions taken by the licensee in response to all notices regarding violations to Paragraph A within the preceding 12 months. If the licensee fails to comply with the requirements of this paragraph, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.
 4. If a third or subsequent violation of Paragraph A involving the same occupant, or a guest of the same occupant, of a dwelling unit occurs within 12 months after any two previous instances for which notices (pursuant to this section) were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice ~~requirements~~ and an opportunity for hearing as provided under the Administrative Procedures Act.
 5. All notices sent by the city to the licensee shall be by first class mail to the address given by the licensee to the city in the license application process or any update thereto provided by the licensee. The city shall retain affidavits of service by first class mail in its file for each violation notice.
 6. No adverse license action shall be imposed if the violation to Paragraph A occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. 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 it appears that the licensee has taken appropriate measures which will prevent further violations to Paragraph A.
 7. A determination that the licensed premises or dwelling unit has been used in violation of Paragraph A shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to Paragraph A, nor shall the fact of

dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section. Further, imposition of other enforcement actions, penalties, administrative offense tickets, criminal charges, or other actions on a license shall not operate as a bar to any other action on a license pursuant to this chapter.

SECTION 6: ADOPTION “12.16.190 Background Checks” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

12.16.190 Background Checks(*Added*)

- A. *Criminal Background Check Required.* The City is interested in rental property owners being well informed about a prospective renter's past criminal and rental history, regardless of whether or not the owner decides to enter into a lease with the prospective tenant. Therefore, the licensee shall conduct criminal background checks on all prospective tenants. The criminal background check must include the following:
1. A statewide (Minnesota) criminal history check of all prospective tenants covering at least the last seven years. The checks must be done by utilizing the most recent update of the Minnesota Bureau of Criminal Apprehension's criminal history files;
 2. A statewide criminal history check from the prospective tenant's previous state of residence shall be conducted if the tenant is moving directly from the previous state;
 3. A criminal history check of any prospective tenant in their previous states of residence shall be conducted covering the last seven years if they have not resided in Minnesota for three years or longer;
 4. A statewide (Minnesota) court history check of all prospective tenants covering at least the last seven years. This check, which includes Unlawful Detainer actions, can be done utilizing the most recent update of the Minnesota Judicial Branch Trial Court Public Access database.
- B. Any company that the licensee contracts with to conduct criminal history checks must meet the same standards as established above.
- C. Documentation of the criminal background checks must be kept on file by the property owner for the length of the tenant's lease. The lessor must display documentation of the background check upon request by the Police Department.
- D. If the licensee fails to comply with the requirements of this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend or not renew a license under this section shall be initiated by the City Council at the request of the Police Department in the manner described in [SLPC 12.16.140](#).

SECTION 7: AMENDMENT “12.36.010 Adoption Of International Property Maintenance Code” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.36.010 Adoption Of International Property Maintenance Code

The *International Property Maintenance Code*, ~~2006~~2018 edition, as published by the International Code Council, is hereby adopted by reference as the Property Maintenance Code of the City of Spring Lake Park, in the State of Minnesota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical features and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Spring Lake Park are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in SLPC 12.36.020. A copy of the ~~2006~~2018 *International Property Maintenance Code* is on file at the Office of Administration at Spring Lake Park City Hall.

SECTION 8: REPEALER CLAUSE Ordinance 468, Enacting a Moratorium on the Conversion of Residential Property to Rental Property in the City of Spring Lake Park, and Ordinance 469, Extending a Moratorium on the Conversion of Residential Property to Rental Property in the City of Spring Lake Park, are hereby repealed.

SECTION 9: EFFECTIVE DATE This Ordinance shall be in full force and effect upon its passage and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park