

*Rental Dwelling*SEC. 4.60 RENTAL HOUSING/ PURPOSE AND INTENT

- A. Purpose. It is the purpose of this Section to protect the public health, safety and welfare of citizens of the City of who have as their place of abode a living unit furnished to them for payment of a rental fee to another.
- B. Intent. It is the intent of this Section that uniform standards be established and applicable for all rental dwellings in the City.

SEC. 4.61 DEFINITIONS

The following words and terms used in this Section are construed and defined as follows:

- A. “Immediate Family” means direct descendants, parents, grandparents, siblings or any such person of traditional or blended family.
- B. “Operate” means to charge a rental fee for the use of a living unit in a rental dwelling.
- C. “Provisional Rental License” means a Multi-Family rental license containing certain provisions and/or criteria as required by the City Council.
- D. “Multi-Family Rental License” means a rental license established for any rental dwelling with two (2) or more living units which are subject to interior and exterior inspections.
- E. “Rental Dwelling” means any dwelling or dwelling unit used for residential occupancy by one or more persons who are not the owner or a member of the owner’s immediate family. “Rental dwelling” does not include hotels, motels, and hospitals.
- F. “Valid Complaint” means a valid complaint is a violation that is visible at the time of inspection.

SEC. 4.62 TYPES OF RENTAL LICENSES REQUIRED.

No person, firm or corporation shall allow to be occupied or let to another a living unit in a rental dwelling for which a license has not been granted by the City. There shall be two (2) types of licenses: multi-family and provisional.

SEC. 4.63 APPLICATION FOR RENTAL DWELLING LICENSE

Requests for a rental dwelling license shall be made by the owner of the rental dwelling unit or

his/her legally constituted agent by submitting an application to the City.

Before any rental dwelling license shall be issued or renewed, the owner shall complete a rental license application and allow an onsite inspection of the property as necessary. Each parcel identification number requires a separate application. The following person shall be authorized to sign and submit the application:

- A. If the owner is a natural person, by the owner.
- B. If the owner is a corporation, by an officer thereof.
- C. If the owner is a partnership, by a partner thereof.

The application shall be made on forms prescribed by the City and shall include:

- A. The name, address, and telephone numbers of the owner of the rental dwellings.
- B. The name, address and telephone numbers of any operator or agent managing the rental dwelling.
- C. If the operator or agent is a business entity, the application shall include the names, telephone numbers, and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
- D. If the applicant is a partnership, the name and address of all partners.
- E. If the applicant is a corporation, the name and address of all officers.
- F. If the rental dwelling is being sold on a contract for deed, the name and address of the vendees.
- G. The legal address of the rental dwelling.
- H. The number of units within the rental dwelling.

Notification by the rental operator shall be given to the City within five (5) business days of any change of information required and stated in the initial application.

SEC. 4.64 FEESA. License Fees.

1. Fees Established AND Due Date. License fees as set by the City Council shall be due sixty (60) days prior to the license expiration date. In the case of a new unlicensed rental dwelling, the license fee shall be submitted with the application. A license fee shall be collected for each unit in a rental dwelling, except owner occupied units. License fees are non-refundable.
2. Filing Due Date And Penalty. If a renewal application is made less than sixty (60) days before the beginning date of the renewal license period applied for, then the fee shall be accompanied by an additional amount equal to one hundred percent (100%) of such license fee. The additional amount shall be a penalty for late application, with the exception of the first year of the adoption of this chapter. In no case shall there be a lapse in the license period. The late penalty is established for those licensees who have failed to submit an application and obtain a new rental license; previously approved rental licenses are not transferable.

- B. Re-inspection Fee. An initial inspection shall be required at the time of application, the cost of which shall be included in the license application fee. A fee, as set by the City Council, shall be charged thereafter for all re-inspections necessitated by the receipt of any valid complaint(s) regarding the property. The re-inspection fee(s) will be payable at the time of license renewal for the property.

SEC. 4.65 LICENSE TERMS AND RENEWALS

- A. Multi-Family Rental Licenses. Initial and renewal licenses shall be issued for a period of two (2) years and shall expire the second year after the date that the license was issued. The license period shall commence on the date of the approved application. Renewal applications shall be filed at least sixty (60) days prior to license expiration date.
- B. Provisional Rental Licenses. Provisional licenses shall be issued only upon approval by the City Council and shall expire six (6) months after issuance. A multi-family or single family rental license may be re-established pursuant to this Section.

SEC. 4.66 CONDITIONS OF LICENSE ISSUANCE

- A. Compliance With Section. The City shall issue a rental dwelling license if the building and the application are found to be in compliance with this chapter.
- B. Conformance to Laws. No rental dwelling license shall be issued or renewed unless the rental dwelling and its premises conform to the Hanover City Code and the laws of the

State of Minnesota and all re-inspection fees have been paid.

SEC. 4.67 INSPECTIONS, INVESTIGATIONS AND MAINTENANCE

- A. No rental dwelling license shall be issued or renewed unless the owner of the rental units agrees in his/her application to permit inspections pursuant to this section.
- B. Every rental dwelling unit shall maintain the standards as established within all other sections of the Hanover City Code and Minnesota State Statutes.
- C. The Building Official, Fire Chief, and/or their designated representatives are hereby authorized to make any and all inspections reasonably necessary to enforce this chapter.
- D. Persons inspecting any rental dwelling, as provided herein, shall notify the license holder of all violations, if any, by issuing a written compliance order. Said compliance order shall direct that compliance on building and City Code violations be made within no more than ten (10) business days from the date of the notice, unless extended by the Building Official, Fire Chief, and/or designated representative for good cause.

SEC. 4.68 NONTRANSFERABILITY OF LICENSE

No rental dwelling license shall be transferable to another person or to another rental dwelling. Every person holding a rental dwelling license shall give notice in writing to the City within five (5) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such dwelling or dwellings.

SEC. 4.69 CONDUCT ON LICENSED PROPERTY

- A. Disorderly Premises. It shall be the responsibility of the licensee to see that persons occupying the living units conduct themselves in a manner so as not to cause the premises to be disorderly. For purposes of this section, a premises is disorderly when any of the following activities occur:
 - 1. Violation of the City's noise ordinance.
 - 2. Violation of state laws relating to the possession or sale of illegal drugs or controlled substances.
 - 3. Violation of disturbing the peace.
 - 4. The unlawful sale or use of liquor.

5. Violation of laws relating to gambling.
 6. Violation of state laws relating to gambling.
 7. The unlawful use or possession of a firearm per state law.
 8. Violation of Minnesota States, Chapter 609 (i.e. disorderly conduct; unlawful assembly; riot; terroristic threat; presence at unlawful assembly).
- B. Enforcement Authority. The City Administrator shall be responsible for enforcement and administration of this Section. Authority to take any action authorized by this Section may be delegated to the City Administrator’s designee.
- C. Other Rules. Other rules and regulations as set forth in Minnesota State Statute Chapter 504B, standards established within all other sections of the Hanover City Code of Ordinance, and Minnesota State Statutes shall also apply to this chapter.
- D. Notice of Violation. Upon determination by the City that a living unit was used in a disorderly manner, as described in this section, the City shall give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations. The disorderly manner shall be as defined in this Section.
- E. Second Instance. If a second instance of disorderly use of the living unit occurs within three (3) months of an incident for which a notice was given as specified in Subsection D of this section, the City shall notify the licensee to prevent further disorderly use of the living unit. This written report shall be submitted to the City within five (5) days of receipt of the notice/report of disorderly use of the living unit and shall detail all actions taken by the licensee in response to all notice of disorderly use of the living unit within the preceding three (3) months.
- F. Third Instance. If a third instance of disorderly use of the living unit occurs within three (3) months after a second instance of disorderly use for which a notice was given to the licensee pursuant to Subsection of this section, the rental dwelling license for the rental dwelling 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, who shall give the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension or non-renewal. Such written notice shall specify all violations of this section, and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date of such notice.
- G. Action of the City Council. Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the rental dwelling or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

- H. Eviction Proceeding. No adverse license action shall be imposed where the instance of disorderly use of the living unit occurs during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant’s living unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, any 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 to prevent further instances of disorderly use.
- I. Evidence of Disorderly Manner. A determination that the rental dwelling unit has been used in a disorderly manner as described in this section shall be made upon substantial evidence to support such determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such criminal charge operate as a bar to adverse license action under this section.
- J. Serving Notice. All notices given by the City under this section shall be personally served on the licensee, sent by certified mail to licensee’s last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed rental dwelling.
- K. Council Action Not Exclusive. Enforcement actions provided in this section shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling as is authorized by this Section, other sections of the Hanover City Code or state law.

SEC. 4.70 PROVISIONAL RENTAL LICENSE

- A. Police or Fire Calls. Licensed dwelling units that have generated two (2) police calls per dwelling unit over any consecutive twelve (12) month period during the license period shall only be eligible for a provisional license at the time of next renewal, as specified in this section.
1. Police calls that are counted in determining whether a provisional license is required include the following types of calls or events:
 - a. Calls or events listed in this section or Section 4.69 of this chapter.
 - b. Calls or events categorized as part one crimes in the uniform crime reporting system, including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson.
 - c. Calls or events involving liquor offenses; disturbing the peace or harassing communications; property damage; criminal damage to property or

trespass; public disturbance or disorderly conduct; loud party or noise complaints; disorderly juveniles; assault in the fifth degree or non-domestic related assaults.

2. The City will provide a report by mail to each licensee for calls described in this section. The violation report will describe the nature and type of call that became an instance that will be counted for purposes of determining whether the license will be denied, revoked, or suspended or not renewed.
- B. Mitigation Plan. Prior to consideration of a provisional license, the applicant for a provisional license must work with the City staff to prepare and submit a mitigation plan to be reviewed for approval by the City Council.
1. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police or fire calls described in Subsection A1 of this section over the six (6) month period of the provisional license to a level that would entitle the property to qualify for a regular license at the end of the six (6) month provisional license period.
 2. The mitigation plan may include such steps as: changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, and security personnel.
- C. Decision of City Council. The application and a proposed mitigation plan will be presented to the City Council, together with a disposition recommendation by the City Administrator. After giving the applicant an opportunity to be heard and present evidence, the City Council shall approve, disapprove, or approve with conditions the mitigation plan and the provisional license. If the City Council disapproves an application and mitigation plan, or approves a provisional license with conditions, it shall state the reasons for its decision in writing.
- D. Monthly Reports. The provisional licensee shall comply with the approved mitigation plan. No later than the tenth day of each month, the licensee shall mail or deliver to the City a written report describing all steps taken in furtherance of the mitigation plan during the preceding month. If the required monthly reports are not submitted in a timely fashion by the property owner, the City may begin proceedings to revoke the provisional license for all or any part or parts of the licensed premises.

SEC. 4.71 INSPECTIONS

- A. Inspections. Onsite inspections shall be required at the time of receipt of an initial application or a renewal application and upon receipt of a complaint regarding the property.
1. Inspections may be conducted by the Building Official, Fire Chief, and/or a designated representative.
 2. Inspections may be conducted on the property to include the exterior and interior portions of the rental dwelling and property. Interior inspections shall focus on emergency, life-threatening and/or health and safety building and Fire Code issues such as proper wiring, fire and carbon monoxide detectors, and the like.
- B. Re-Inspection Fees. Re-inspection fees shall only be required after receipt and inspection of a valid complaint. Re-inspection fees shall not be incurred for required annual inspections.
- C. Enforcement. A violation shall be enforced as specified within the established guidelines process City Code.
- D. City Council Action. Upon repeat violations, or failure of a property owner to bring the property into compliance, the City Council may do any of the following
1. Require a rental license to become provisional as specified in Section 4.70 of this chapter.
 2. Revoke, suspend, deny, or decline to renew a rental license as specified in Section 4.74 of this chapter.
 3. Order the property to be abated.

SEC. 4.72 LANDSCAPING; LIGHTING; SNOW REMOVAL

Each rental dwelling shall be maintained by its owner, occupant, operator or agent so that the yards, open spaces and parking facilities are kept in a safe and attractive condition. In addition, adequate lighting facilities shall be provided and operated between the hours of sunset and sunrise; and snow plowing or snow shoveling shall be regularly accomplished to maintain all sidewalks and parking areas in a safe condition.

SEC. 4.73 FIRE CONTROL REGULATIONS

An owner, operator or agent of a rental dwelling shall be responsible for compliance with the applicable provisions of the fire code of the City, including the keeping of all fire lanes open for

emergency purposes.

SEC. 4.74 LICENSE REVOCATION OR SUSPENSION

- A. Reason for Action. The Council may revoke, suspend, deny or decline to renew any license issued under this Section upon any of the following grounds:
1. False statements on any application or other information or report required by this Section to be given by the applicant or licensee.
 2. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Section or resolution of the City Council.
 3. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 4. Failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.
 5. Any other violation of this Section.
- B. Applicable Sections. Revocation, suspension, and non-renewal may be brought under this section or Section 4.69 hereof.
- C. Multi-Family License. A Multi-Family license may be revoked, if at midterm, or not renewed, if at the end of a term, upon a finding that the premises are only eligible for a provisional license as provided in Section 4.70 hereof.
- D. Written Notice. A decision to revoke, suspend, deny or not renew a license shall be preceded by a written notice to the applicant or licensee of the alleged grounds therefore, and the applicant or licensee will be given the opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
- E. Action of City Council. The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided, and good faith efforts to comply, and shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings. The City Council may suspend or revoke a license or not renew a license for part or all of the rental dwelling.
- F. Reinstatement of License. Upon a decision to revoke, deny, or not renew a license, no new application for the same facility will be accepted for a period of time specified in a written decision of the City Council, not exceeding one year. Such new applications must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this Section.

- G. No New Rentals. A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no living unit becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension, or nonrenewal of a license shall not excuse the owner from compliance with all terms of this Section for as long as any units in the rental dwelling are occupied.
- H. Failure to Comply. Failure to comply with this Section is a misdemeanor.

SEC. 4.75 NO RETALIATION

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies related to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

SEC. 4.76 SUMMARY ACTION

When the conduct of any licensee or his/her agent, representative, employee or lessee or the condition of his/her dwelling is detrimental to the public health, safety and general welfare so as to constitute a nuisance, fire hazard or other unsafe or dangerous condition, and thus give rise to an emergency, the City shall have the authority to summarily condemn or close off such area of the rental dwelling.

SEC. 4.77 APPEALS

Any person aggrieved by a decision of the City to cease business or revoke or suspend the license shall be entitled to appeal to the City Council immediately by filing a notice of appeal. The City shall schedule a date for hearing before the City Council and notify the aggrieved person of the date. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action. The decision of the City shall not be voided by the filing of such appeal.

SEC. 4.78 APPLICABLE LAWS

Licensees shall be subject to all of the ordinances of the City and laws of the State related to rental dwellings. This Section shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SEC. 4.79 VIOLATION OF A MISDEMEANOR

Every person violates a section, subdivision paragraph or provision of this Chapter or performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor.

