

CITY OF ST. AUGUSTA
ORDINANCE #2012-05
MULTI-FAMILY RENTAL LICENSING REQUIREMENTS

Section 1. License Required: No person shall operate a multi-family rental dwelling without first having obtained a license to do so from the city as hereinafter provided.

Section 2. Expiration And Renewal Of License: Each such operating license shall be issued annually and shall expire on December 31. License renewals shall be filed at least ninety (90) days prior to license expiration date.

Section 3. Inspection Required Prior To Application Submittal: No application for an initial or renewal license shall be submitted to the city council until the compliance official has verified that the required biennial inspection has been completed and that all life, health and safety violations or discrepancies have been corrected.

Section 4. Fees:

Subsection 1. License Fees:

- a. License fees, as set forth by city council resolution, shall be due ninety (90) days prior to the license application date; in the cases of new, unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy.
- b. A delinquency penalty of five percent (5%) of the license fee for each day of operation without a valid license shall be charged operators of rental dwellings. Once issued, a license is nontransferable, and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension; however, the licensee shall be entitled to a license fee refund, prorated monthly, upon proof of transfer of legal control or ownership.

Subsection 2. Inspection Fees: A fee, as set forth by city council resolution, shall be charged for all re-inspections necessary after the first re-inspection. The re-inspection fee(s) will be payable at the time of license renewal for the property, in the case of rental housing, and at the time of recertification of occupancy for nonresidential properties.

Section 5. Application For License Or Renewal:

Subsection 1. License application or renewal shall be made by the owner of rental units or his legally constituted agent. Application forms may be acquired from and subsequently filed with the compliance official. The applicant shall supply:

- a. Name, address, and telephone number of dwelling owner; owning partners if a partnership; corporate officers if a corporation.
- b. Name, address and telephone number of designated resident agent, if any.
- c. Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.
- d. Legal address of the dwelling.
- e. Number of dwelling units within the dwelling.
- f. Description of the procedure through which tenant inquiries and complaints are to be processed.

Subsection 2. Every person holding an operating license shall give notice to the compliance official within five (5) business days after any change of this information. Notice of transfer of ownership shall be as described in subsection J of this section.

Section 6. Resident Agent Required: No operating license shall be issued or renewed for a nonresident owner of rental dwelling units unless such owner designates in writing to the compliance official the name of his resident agent who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the city ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service of process pursuant to law. The compliance official shall be notified in writing of any change of resident agent.

Section 7. Conformance With Laws: No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of the city and the laws of the state.

Section 8. Inspection Condition: No operating license shall be issued or renewed unless the owner of the rental units agrees in his application to permit inspections pursuant to Ordinance #2012-05. The City Council shall from time to time designate one or more inspectors for purposes of this ordinance. If no such inspector shall have been designated, the City's Building Official shall be responsible for conducting the inspection.

Section 9. Posting Of License: Every licensee of a multiple dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective multiple dwelling.

Section 10. Non-transferability Of License: No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license

shall give notice in writing to the compliance official 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 rental dwelling or dwellings.

Section 11. Occupancy Register Required:

Subsection 1. Dwellings:

a. Every owner of a licensed rental dwelling containing three (3) or more dwelling units shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:

(1) Dwelling unit address.

(2) Number of bedrooms in dwelling unit.

(3) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.

(4) Dates renters occupied and vacated dwelling units.

(5) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this chapter.

(6) A similar chronological list of all corrections made in response to such requests and complaints.

b. Such register shall be made available for viewing or copying by the compliance official at all reasonable times.

Section 12. Conduct On Licensed Premises:

Subsection 1. Prohibited Conduct: It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this subsection, a premises is disorderly at which any of the following activities occur:

a. Violation of laws relating to public nuisances (including, but not limited to Ordinance #2005-10 of this code).

b. Violation of laws relating to the possession of controlled substances as defined in Minnesota statutes section 152.01, subdivision 4.

- c. Violation of laws relating to the sale of intoxicating liquor or 3.2 percent malt liquor.
- d. Violation of laws relating to gambling.
- e. Violation of laws relating to "prostitution" as defined in Minnesota statutes section 609.321, subdivision 9, or acts relating to prostitution.
- f. Violation of laws relating to unlawful use or possession of a firearm (including, but not limited to, Minnesota statutes sections 609.66, subdivision 1a, 609.67 and 624.713).
- g. Violation of laws relating to disorderly conduct.
- h. Violation of laws relating to the possession, sale, or receipt of stolen property.
- i. Violation of laws relating to obstruction of the legal process.
- j. Violation of laws relating to fireworks.
- k. Acts of violence or threats of violence (including, but not limited to, discharge of firearms, prostitution, intimidation, or any other act that otherwise jeopardizes someone's health, safety, or welfare).

Subsection 2. Consequences Of Violations:

- a. Upon determination by the zoning administrator that a licensed premises was used in a disorderly manner, as described in Section 12, subsection 1 of this ordinance, the zoning administrator shall give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.
- b. If another instance of disorderly use of the licensed premises occurs within twelve (12) months of an incident for which a notice in Section 12, subsection 2 of this ordinance was given, the zoning administrator shall notify the licensee of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the zoning administrator within five (5) days of receipt of the notice of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three (3) months.
- c. If another instance of disorderly use of the licensed premises occurs within twelve (12) months after any two (2) previous instances of

disorderly use for which notices were given to the licensee pursuant to this ordinance, 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 ordinance shall be initiated by the City Clerk, who shall give to the licensee written notice of a hearing before the city council to consider such denial, revocation, suspension, or nonrenewal. Such written notice shall specify all violations of this ordinance, 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 after giving such notice. Following the hearing, the council may deny, revoke, suspend or decline to renew the license for all or any part of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this subsection.

Subsection 3. Adverse License Action During Eviction Proceedings: No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the 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 unit. 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 subsection may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly conduct.

Subsection 4. Determination Of Disorderly Conduct: A determination that the licensed premises have been used in a disorderly manner as described in Section 12, subsection 1 of this ordinance shall be made upon substantial evidence to support such a 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 a criminal charge operate as a bar to adverse license action under this ordinance.

Subsection 5. Notices: All notices given by the city under this ordinance shall be personally served on the licensee, sent by registered mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.

Subsection 6. Enforcement Actions Not Exclusive: Enforcement actions provided in this ordinance shall not be exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by this code or state law.

Section 13. Suspension Or Revocation Of License: Every operating license issued under the provisions of this ordinance is subject to suspension or revocation by the city council should the licensed owner or his 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 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. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00.

Section 14. Enactment. This ordinance shall be in full force and effective upon its publication or as of January 1, 2013, whichever is later.

ADOPTED this _____ day of _____ 2012.

CITY OF ST. AUGUSTA

By: _____
B.J. Kroll, Mayor

ATTEST:

By: _____
William R. McCabe, City Administrator