CITY OF JORDAN
ORDINANCE NO. 2017-07

AN ORDINANCE OF THE CITY OF JORDAN, MINNESOTA, AMENDING JORDAN, MN CODE OF ORDINANCES CHAPTER 124

Subdivision 1. PURPOSE. The City Council for the City of Jordan, Minnesota finds that it needs to update certain regulations governing rental dwellings within the city.

Subdivision 2. REPEAL. NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JORDAN that Chapter 124 of the Jordan City Code is hereby repealed in its entirety.

Subdivision 3. REPLACEMENT BY NEW SECTIONS 124.01 – 124.20 OF THIS CHAPTER. NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JORDAN that Chapter 124 shall now read as follows:

§ 124.01 Purpose

It is the purpose of this Chapter to provide minimum standards to promote public safety, to safeguard life, limb, health, property and public welfare by regulating and controlling the use and occupancy, construction and maintenance of all Rental Dwellings within the City. The provisions contained herein are in addition to other applicable provisions of the City Code and not in lieu thereof.

§ 124.02 Scope

The provisions of this Chapter shall apply to all Rental Dwellings, including rented single-family homes, rented duplexes and Dwellings Units within Owner-occupied buildings, as well as to rented condominiums, rented townhouses and leasehold cooperative Dwelling Units, as those terms are defined in Minnesota Statutes Section 273.124, Subd. 6, Minnesota Statutes, Chapter 515A, and this Chapter.

§ 124.03 Definitions

For the purposes of this Chapter, the following terms are defined as follows:

A. **Annual Renewal Date:** The date each year by when a Rental License must be renewed according to the schedule of fiscal years for Rental Licenses and fees established by the City Council pursuant to the City Code. The City Council may establish a different Annual Renewal Date for different types of Rental Dwellings and/or types of building in which Rental Dwellings may be located (e.g., single-family homes, duplexes, townhomes, condominiums, homes with services, etc.).

B. **Apartment Building:** A building in which four (4) or more Rental Dwellings are located and all such Rental Dwellings are owned by the same Owner.

C. **Code Official:** The City Administrator or his/her designee.

D. **Dwelling Unit:** A single dwelling space providing independent living facilities for one (1) or more persons, including permanent provisions for sleeping, eating, cooking, and sanitation.

E. **Operate:** To charge a rental charge or other form of compensation for the use of a Rental Dwelling.

F. **Owner:** The person owning or holding title to a Rental Dwelling as determined by an examination of record title to the property at the office of the Scott County Recorder - Registrar of Titles. If

more than one (1) person owns or holds title to an individual Rental Dwelling, such persons shall collectively be an Owner for purposes of this Chapter.

G. **Person:** A natural person or legal entity.

H. **Property Maintenance Code:** Chapter 93 and Subdivisions (A) and (E) of § 150.100 of the City Code.

I. **Property Manager:** A person authorized to manage and/or operate a Rental Dwelling on behalf of an Owner.

J. **Qualifying Relative:** Spouse, parent, child, sibling, grandparent, grandchild, aunt, uncle, niece or nephew. The relationship may be either by blood or marriage. The Code Official may require sufficient written proof to establish whether someone is a Qualifying Relative.

K. **Renewal License:** A Rental License that is a renewal of an existing Rental License granted under this Chapter, which renewal is granted to the same Owner and for the same Rental Dwelling as the existing Rental License.

L. **Rental Dwelling:** A Dwelling Unit in the City to which a Tenant has been granted the right to use the Dwelling Unit for residential purposes. A Rental Dwelling includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls which are on the premises on which a Rental Dwelling is located.

M. **Rental License:** The license required under this Chapter, including any renewal thereof.

N. **Tenant:** Any person granted temporary use of a Rental Dwelling, other than the Owner of the Dwelling Unit and/or Qualifying Relative(s) of that Owner, pursuant to a lease or other agreement, whether or not reduced to writing.

O. **Unlawful Conduct:** Shall have the meaning given such term in City Code, Section 124.07.

§ 124.04 License

A. *When required.* No person shall Operate a Rental Dwelling unless the Owner thereof shall have first obtained a Rental License for such Rental Dwelling as provided for in this Chapter, and paid all fees outstanding associated with the Rental License. Any Rental License received under this Chapter shall commence upon the date of issuance and, unless revoked or suspended, shall remain valid until the next applicable Annual Renewal Date, provided no Rental License shall extend for more than a twelve (12) month period. A person who is operating a Rental Dwelling after the Rental License has expired is operating an unlicensed Rental Dwelling.

1. Exceptions

   a. A Rental Dwelling is not subject to inspections if it is within a hotel, motel, hospital or nursing home, assisted living, group home, or independent living facility, or board and lodging home licensed and inspected by the State of Minnesota for compliance with state building and/or fire codes.

B. *What the Rental License Covers.* There shall be one (1) Rental License for each Rental Dwelling unit. The City shall have authority to exercise its licensing powers under this Section, including the power to issue, renew, deny, revoke, and suspend Rental Licenses, with respect to an entire building or only a portion of a building.

C. *Fees.* There shall be inspection fees and an annual license fee for each Rental License. Such fees shall be in the amount established by the City Council pursuant to City Code. There shall be no proration of Rental License fees for a Rental License that extends for less than twelve (12) months. The amount of the Rental License fee shall be based on the number of Dwelling Units

located in the building(s) that is the subject of a Rental License and/or whether the City or the State of Minnesota is performing the inspections of the Dwelling Units. The City Council shall establish a fee for each inspection that is performed by the City or its designee in accordance with this Chapter to determine the existence of any violations of the City Code at a Dwelling Unit/Rental Dwelling whether: (1) an initial inspection; (2) an inspection and/or follow-up inspection associated with an alleged or determined violation; (3) an inspection to restore a Rental License that has been revoked or suspended; (4) a scheduled inspection that occurs every three years; or (5) for any other reason an inspection may be required under this Chapter. The Code Official may waive a reinspection fee in event of an error or other reasonable cause determined by the Code Official, including extension of time granted for compliance. All fees will be charged to the Owner, unless the inspection arises from a complaint provided to the Code Official and the Code Official determines that the person bringing the complaint did so in bad faith, in which case the person bringing the bad faith complaint will be liable for the inspection fee.

D. *Application.* Application for a Rental License shall be made in writing on forms promulgated by the City Administrator or his/her designee and accompanied by the fee amount. In the case of a license renewal, such application shall be submitted at least thirty (30) days prior to the expiration date of the then existing Rental License. If the application for a license renewal is not received by the City at least thirty (30) days prior to the expiration date of the existing Rental License, the applicant shall pay a late fee in the amount established by the City Council. The Code Official may waive the late fee in event of an error or other reasonable cause determined by the Code Official. All applications shall specify the following:

1. Name, address, and telephone number of the Owner of the Rental Dwelling, including name of the contact person if the Owner is a legal entity.

2. Name, address, and telephone number of any property manager actively managing said Rental Dwelling.

3. Name and address of the vendee if the Rental Dwelling is owned or being sold on a contract for deed.

4. Legal address of the Rental Dwelling.

5. Number of Rental Dwellings that are the subject of the application if the application involves a building in which two (2) or more Rental Dwellings are located and all such Rental Dwellings are owned by the same Owner.

6. Name, address and telephone number of on-site operating manager, if any.

7. Any other information requested by the Code Official to establish compliance under this Chapter.

8. If the Owner identified in the application is a legal entity, the applicant shall submit, upon request of the Code Official, the name and address of all partners, shareholders or interest holders.

E. *Resident Agent Required.* No Rental License shall be issued for a Rental Dwelling unless:

1. The Owner thereof resides within the counties of Carver, Dakota, Scott, Rice, Le Sueur, Sibley, Hennepin, Ramsey or Washington; or

2. The Owner designates in writing an agent or property manager residing or located within such counties who is responsible for maintenance and upkeep of the Rental Dwelling and who is authorized to provide the Code Official access to the Rental Dwelling, to receive service of notice of violations of the City Code, to receive orders from the Code Official and to institute remedial action to affect such orders and to accept all service of process pursuant to law.

F. *Posting*. All Apartment Buildings shall post the Rental License issued for that building. The Rental License shall be conspicuously posted (in a frame with a protective covering), in a common area, hallway or lobby. All other Rental Dwellings shall have a copy of the Rental License on the premises.

G. *Applicable Laws*. Rental Licenses shall be subject to the applicable provisions of the City Code and state law relating to Rental Dwellings.

H. *Transfer of License*. No Rental License under this Chapter is transferable.

1. If any Owner holding a Rental License transfers ownership or legal control of the Rental Dwelling that is the subject of the Rental License,

2. If appoints or changes the agent required under this Chapter, and/or

3. If authorizes a property manager to manage the Rental Dwelling (other than a property manager identified in the application for the Rental License), then the Owner shall provide the Code Official written notice of such event within seventy-two (72) hours thereafter. Such notice shall include, as applicable:

    a. The name and address of the person succeeding to the ownership or control of such Rental Dwelling;

    b. The name and address of the appointed agent; and

    c. The name and address of the authorized property manager. Any new Owner shall apply for a new Rental License within forty-five (45) days after its acquisition of the Rental Dwelling, or upon expiration of the Rental License, whichever comes first.

§ 124.05 Inspections

A. *Inspections Required*. Each Rental License application and Rental License is at all times subject to the Code Official's right to inspect the affected Rental Dwelling to determine whether it is in compliance with the City Code and state law. The Code Official shall determine the schedule of periodic inspections. Inspections may include all common areas, utility and mechanical rooms, garages, exterior of structures and exterior property areas.

B. *Access for Inspection*. No Rental License shall be issued under this Chapter unless the Owner of the Rental Dwelling agrees to permit inspections, upon reasonable notice from the Code Official to the Owner, to determine compliance with the City Code and state law. The submission of a Rental License application or the possession of a Rental License issued by the City shall constitute such agreement by the Owner identified in the application or on the Rental License. It is the Owner's responsibility to arrange for each Tenant to grant the Code Official access to any part of its Rental Dwelling at reasonable times for the purpose of effecting inspection to comply with the provisions of this Chapter. If any Owner, Owner's agent, property manager or Tenant fails or refuses to permit entry to a Rental Dwelling under its control for an inspection pursuant to this Chapter, the City may pursue any remedy at law or under the City Code, including, but not limited to, securing an administrative search warrant for the Rental Dwelling, issuing an administrative citation, denying a Rental License application, revoking or suspending a Rental License, or denying a renewal license. Without limiting the foregoing, should an Owner, Owner's agent, or property manager fail to keep a scheduled inspection without reasonable cause or refuse to permit entry to the Rental Dwelling, a reinspection fee may be charged for each occurrence.

§ 124.06 Crime Free

A. *Crime Free Training*. An Owner or property manager who owns or manages one (1) or more Rental Dwelling(s) in the City must complete a Crime Free Training program (or similar program)

approved by the City's Police Department. A renewal of a Rental License shall not be granted unless the Owner (and property manager, if any) identified on the Rental License application has completed such training.

B. *Background Checks.* An Owner or property manager shall perform a Criminal Record Check as that phrase is defined in Section 32.21 of the City Code prior to entering into a lease, written or verbal, with a Tenant.

C. *Crime Free/Drug Free Lease Addendum Requirements.*

1. Subject to any preemptory state and federal laws, all signed Tenant leases, including any lease renewal, for a Rental Dwelling executed after January 1, 2018, shall contain the following crime free addendum language or equivalent language:

    a. Tenant, any members of the Tenant's household or a guest or other person affiliated with the Tenant shall not engage in illegal activity, including drug-related illegal activity, on or near the Rental Dwelling.

    b. Tenant, any member of the Tenant's household or a guest or other person affiliated with the Tenant shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity, on or near the Rental Dwelling.

    c. Tenant, any member of the Tenant's household or a guest or other person affiliated with the Tenant shall not permit the Rental Dwelling to be used for, or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.

    d. 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 (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]) on or near the Rental Dwelling.

    e. Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

    f. The term "drug related illegal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).

2. Non-exclusive remedies. The crime free/drug free addendum is in addition to all other terms of the lease and do not limit or replace any other provisions.

§ 124.07 Conduct On Licensed Premises

For purposes of this Chapter, "Unlawful Conduct" shall be determined by the Police Department and shall be deemed to have occurred where the Police Department has probable cause to issue a citation to Tenants and/or their guests for violations of any state statute or City Code, including but not limited to:

A. Minnesota Statutes, Sections 609.75 through 609.76, and City Code Section 10.66, which prohibit gambling;

B. Minnesota Statutes, Sections 609.321 through 609.324, which prohibits prostitution and acts relating thereto;

C. Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1. and

2., which prohibit the unlawful sale or possession of controlled substances;

D. Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;

E. Minnesota Statutes, Section 340A.503, which prohibits the underage use of alcoholic beverages;

F. Minnesota Statutes, Section 609.72 and City Code 10.60, 10.62, and 10.85 which prohibits Disorderly Conduct when the violation disturbs the peace and quiet of the occupants of at least one (1) unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; and

G. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 which prohibit the unlawful possession, transportation, sale or use of a weapon.

§ 124.08 Unlawful Conduct Violations

A. Unlawful Conduct at a Rental Dwelling shall be determined and handled by the Police Department.

B. A determination that Unlawful Conduct has occurred at a Rental Dwelling shall be made upon the Police Department determining that it has probable cause to support such a determination and shall be subject to Minnesota Statutes, Section 504B.205, subd. 3. It shall not be necessary that criminal charges be brought to support a determination of Unlawful Conduct, nor shall the fact of dismissal or acquittal of such a criminal charge Operate as a bar to adverse license action under this Chapter based on such Unlawful Conduct.

C. Upon notification from the Police Department to the Code Official that there have been three (3) or more incidents of Unlawful Conduct at a Rental Dwelling with a thirty-six (36) month period, the Code Official shall send a written warning to the Owner of such Rental Dwelling, notifying the Owner that:

1. If there is an additional event of Unlawful Conduct at the identified Rental Dwelling within the twelve (12) month period following the date of the warning, such Unlawful Conduct shall constitute a violation of this Chapter and shall entitle the City to the remedies set forth herein, including the revocation, suspension, non-renewal or denial of a Rental License;

2. Within ten (10) days after the Code Official's issuance of the written warning, the Owner shall submit to the Code Official and the Police Department, a written management plan detailing the actions taken and proposed to be taken by the Owner to prevent further Unlawful Conduct at the identified Rental Dwelling;

3. Within twenty (20) days after the acceptance of the management plan by the Code Official and the Police Department, the Owner shall implement all the provisions of the management plan; and

4. If the Owner fails to submit or implement a management plan as required, such failure shall constitute a violation of this Section and shall entitle the City to the remedies set forth herein, including the revocation, suspension, non-renewal or denial of a Rental License.

D. If the Owner fails to provide or implement a management plan within the period required, or there is an event of Unlawful Conduct at the Rental Dwelling within twelve (12) months after the written warning, such failure shall be a violation under this Chapter.

§ 124.09 Criminal Statistics

The Police Department shall maintain, subject to the retention policy, statistics pertaining to the number of citations/criminal complaints for crimes committed at Rental Dwellings, and the total number of citations/criminal complaints issued by the Police Department. The Chief of Police shall update the City Council on an annual basis regarding the number of citations/criminal complaints for crimes committed at Rental Dwellings versus the total number of citations/criminal complaints issued by the Police Department during the same time period.

§ 124.10 Revocation or Suspension of Rental License

A. In addition to its powers under City Code, the City Council may revoke, suspend, deny or decline to renew any Rental License applied for or issued under this Chapter based on any of the following circumstances:

1. The Rental License was procured by misrepresentation of material facts with regard to a Rental Dwelling or the ownership of a Rental Dwelling.

2. The applicant, or one acting in the applicant's behalf, made oral or written misstatements accompanying the application.

3. The applicant has failed to comply with any condition set forth in any other permits/licenses granted by the City.

4. The activities of the Owner and/or Tenant, or the conditions of the Rental Dwelling or the building of which such Rental Dwelling is a part, or any portion thereof, create or have created a danger to the public health, safety or welfare.

5. Failure to correct violations of the City's Property Maintenance Code in the time period specified in the notice of violation and correction.

6. Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the Rental License.

7. Failure to include the crime free/drug free lease addendum in all leases as required by Subdivision (B) of Section 124.06.

8. A violation under Subdivision (D) of Section 124.08.

9. Any other violation of this Chapter.

B. Prior to any revocation, suspension, denial or declination by the City Council under this Section, the Code Official shall send written notice to the Owner specifying the ordinance or law violations with which they are accused and the affected Rental Dwelling. The notice shall also specify the date for the hearing before the City Council, which shall not be less than ten (10) days from the date of the notice. At the hearing before the City Council, the Owner or their representative may submit and present evidence on their behalf. After the hearing, the City Council may revoke, suspend, deny or decline to renew the Rental License.

C. If the affected Rental Dwelling is within a building containing more than one (1) Rental Dwelling owned by the same Owner, the revocation, suspension, denial or declination may apply to one (1) or more Rental Dwellings within that building, at the discretion of the City Council.

D. If a Rental License is suspended, revoked or not renewed pursuant to this Chapter, then until such time as a valid Rental License has been restored it shall be unlawful for the Owner to thereafter permit any occupancy of the formerly licensed Rental Dwelling by a Tenant. The affected Rental Dwelling shall be vacated by all Tenants, giving Tenants a reasonable time to arrange new housing and to move their possessions.

E. Rental Licenses may be suspended for up to one hundred twenty (120) days and may, after the period of suspension, be reinstated subject to compliance with this Section and any conditions imposed by the City at the time of suspension. Rental Licenses that are revoked shall not be reinstated for a period of up to one hundred twenty (120) days and until the Owner has applied for and secured a new Rental License and complied with all conditions imposed at the time of revocation and all applicable sections of the City Code.

§ 124.11 Maintenance Standards

Every Rental Dwelling shall be maintained in accordance with the minimum standards set forth in state law and the City Code, in addition to any other permits issued by the City or by the state.

§ 124.12 Conflicts

Where there are conflicts between this Chapter and any other provision of the City Code or other state or federal laws, regulations, or rules, the more restrictive shall govern.

§ 124.13 Enforcement

The Code Official is hereby authorized and directed to enforce all of the provisions of this Chapter and all the provisions of the City's Property Maintenance Code with respect to Rental Dwellings.

§ 124.14 Owner and Tenant Responsibilities

A. *Owner.*

1. Owners of Rental Dwellings shall construct and maintain said dwellings in accordance with the requirements of the City Code.

2. No person shall lease to another for occupancy any Rental Dwelling which does not comply with the requirements of the City Code.

B. *Tenant.*

1. Each Tenant of a Rental Dwelling shall keep in a clean and sanitary condition that part of the dwelling and related premises which that person occupies or controls.

2. No person shall occupy any Rental Dwelling which does not comply with the requirements of the City Code.

§ 124.15 Notices and Orders of Code Official

A. *Notice.* Whenever the Code Official determines that a Rental Dwelling, a building of which such dwelling is a part, or any portion thereof violates any Section of this Chapter or the Property Maintenance Code or that there are reasonable grounds to believe that a violation exists, notice shall be given to the Owner (and property manager, if any) and Tenant in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the Rental Dwelling or structure into compliance with the provisions of this Chapter and/or the Property Maintenance Code.
5. Inform the Owner (and property manager, if any) and Tenant of the right to appeal pursuant to City Code, Section 124.16.

B. *Emergency Orders.* Whenever the Code Official finds that an emergency exists in relation to the

enforcement of the provisions of this Chapter which requires immediate action to protect the health, safety or welfare of occupants of any Rental Dwelling, a building of which such Dwelling Unit is a part, or any portion thereof, the Code Official may issue an order reciting the existence of such emergency and requiring that such action be taken by the Owner and/or Tenant as deemed necessary to meet the emergency, notwithstanding any other provision of this Chapter.

§ 124.16 Administrative Citation

The Code Official may issue one (1) or more administrative citations under City Code, Section 10.98, to enforce any provision in this Chapter and, in addition to imposing monetary fines, such citations may require corrective actions.

§ 124.17 Appeal Process

Any person directly affected by an administrative citation, decision or order issued by the Code Official pursuant to this Chapter shall have the right to appeal to a hearing officer in an administrative hearing as provided for in City Code, Section 10.98. The City Council may establish by ordinance a fee that must accompany any such appeal under this Chapter.

§ 124.18 No Warranty by City

By enacting and undertaking to enforce this Chapter of the City Code, neither the City nor its Council, agents, or employees warrant or guaranty the safety, fitness or suitability of any Rental Dwelling or Dwelling Unit in the City and any representation to the contrary by any person is a misdemeanor. Owners, their agents, property managers and Tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

§ 124.19 Violations

Every person who violates a subdivision, paragraph or provision of this Chapter when such person performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful shall be liable for administrative penalties established from time to time by resolution of the City Council pursuant to City Code, Section 10.98. It is a misdemeanor for any person to violate this Chapter on two or more occurrences without successful appeal, whether or not the person paid the administrative penalties. The penalty which may be imposed for any crime which is a misdemeanor under the City Code shall be as listed in M.S. § 609.02, subd. 3, plus prosecution costs.

§ 124.20 Chapter Review

This Chapter shall be reviewed and evaluated by the City Council on or prior to April 19, 2021.

Subdivision 4. EFFECTIVE DATE. This ordinance shall be effective immediately following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this 2nd day of January, 2018.

Tanya Velishek, Mayor

Moved by: Goebel
Seconded by: Velishek

Attest: _____
Thomas Nikunen, City Administrator

Published:
Filed with Scott County: