

**ORDINANCE NO. 16-101
CITY OF COURTLAND, NICOLLET COUNTY, MINNESOTA**

AN ORDINANCE REGARDING REGISTRATION AND INSPECTION OF RENTAL UNITS.

SECTION I. That Chapter III is hereby amended to add the following:

PART 8. RENTAL UNIT REGISTRATION AND INSPECTION

308.01. Registration and inspection of residential rental property.

Subdivision 1. Purpose and findings.

A. The City Council finds that there is a need for periodic municipal inspection of residential rental units in the City to ensure that such units meet City and State fire laws and codes in order to promote the public health, safety and welfare of the community at large and the residents of rental units within the City.

B. The City Council finds that performing periodic inspections of such units is an appropriate exercise of authority by the City.

Subd. 2. Definitions. For purposes of this section, the following definitions shall apply:

A. "Rental unit" or "residential rental unit" means any house, apartment, condominium, townhouse, manufactured home, mobile home, room, or group of rooms, constituting or located within a dwelling and forming a habitable unit.

B. "Dwelling" means any building or other permanent or temporary structure, including a manufactured or mobile home, which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

C. "Rent", "lease", "let", or "sublet" means the leasing of a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include installment sales, purchases, and other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

D. "City" means the City of Courtland, Minnesota, and includes individuals authorized by the City to perform the specific functions described herein.

E. "Owner" or "property owner" or "registration holder" means a person or entity that is the owner of a rental unit according to the records on file with Nicollet County, Minnesota.

F. "Local property manager" means a natural person who is authorized by the registration holder to make decisions for the registration holder about rental, occupancy and maintenance of the rental unit.

Subd. 3. Standards.

A. Every rental unit must be maintained in compliance with applicable State of Minnesota fire codes, as are now in force and hereafter amended, revised or replaced.

Subd. 4. Registrations.

A. All property owners must register all rental units with the City and must receive a license prior to renting out the unit. There is a registration charge per unit to be set by the fee schedule. All newly acquired rental units must be registered within fifteen days of acquisition. Rental registrations must be renewed annually and no later than October 1 or if October 1 falls on a non-business day, then the first business day thereafter. Renewal charges shall be set by the City. Forms for registration and renewal shall be prepared by the City. For the purposes of the first year that this ordinance is in effect, all property owners must register all rental units by February 1, 2017. Failure to register or renew a registration shall be a petty misdemeanor.

B. If a registration application or renewal is made after the deadline then the fee shall be accompanied by an additional amount equal to 100% of such license fee. The additional amount shall be a penalty for a 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. Failure to maintain the license on a current basis shall constitute a violation of this chapter.

C. No rental license shall be issued or renewed unless the rental units and its premises conforms with the State of Minnesota fire code, as now in force and hereafter amended, revised or replaced.

D. The City may refuse to issue or renew a license for any premises on which taxes, assessments or other financial claims of the City are delinquent or unpaid. Delinquent or unpaid taxes, assessments or other financial claims of the City on the premises for which the license has been issued may be grounds for the revocation of a rental license.

Subd. 5. Inspections and investigations.

A. Initial inspections of all registered properties to ensure compliance with the applicable fire codes will occur within the first year after the effective date of this ordinance. Properties will have scheduled re-inspections on a schedule to be determined by the City. All properties shall be inspected by the City at least once every two years. The City shall have the right to make additional inspections of all properties based on complaints of owners, tenants, neighbors or other individuals.

B. Law enforcement personnel, the City Building Official, the Fire Chief, and their respective designees and representatives are hereby authorized to make inspections reasonably necessary to the enforcement of this section.

C. All persons authorized herein to inspect shall have the authority to enter, with seven days' notice to the registration license holder or property manager, any rental unit or structure containing a rental unit, registered or required to be registered, for the purpose of enforcing this section.

D. All property owners shall, as a condition of receiving a license, consent to such entries for inspection without warrant and all property owners shall include, as a condition of any lease or rental agreement with any tenant or occupant, that such tenants or occupants consent to such entries for inspection without warrant. This provision does not limit or preclude any other right of entry authorized by law. Upon failure to permit or comply with a request for an inspection, the City may give notice to the registered property owner by first class mail informing the registered property owner of the missed inspection and of the provisions of this section, and listing an alternative date for an inspection. Failure to permit an inspection on this alternative date, or failure to comply with this second request for an inspection shall be a misdemeanor. Failure to permit an inspection on this alternative date, or failure to comply with this second request for an inspection may also result in a revocation of rental license.

E. Written notice of any found violation shall be given to the registered property owner by first class mail. Said notice may contain a compliance order listing the required actions or repairs to be taken and stating that compliance shall be made within a reasonable time. The notice may advise the registration holder that the property may be re-inspected at a time to be determined by the City. Failure to comply with a compliance order shall be a misdemeanor. Failure to comply with a compliance order may also result in a revocation of rental license.

Subd. 6. Transfer of property.

A. Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City the new owner's name, address, phone number, fax number if any, email address if any, and the name, address, phone number, fax number if any, and email address if any of the new owner's designated local property manager before taking possession of the rental property. If any change in the type of occupancy currently registered is contemplated by the new owner, a new registration application will be required. Registration licenses shall not be transferrable.

Subd. 7. Summary action.

A. When the conduct of any rental property owner or their agent, representative, employee or lessee, or the condition of a rental unit, or the property in or on which it is located, is detrimental to the public health, sanitation, safety, and/or general welfare of the community at large, or to residents of a rental unit so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition, the City shall have the authority to summarily condemn or close individual rental units or such areas of the rental dwelling as the City deems necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall describe the units or areas affected. No person shall remove the posted notice, other than an authorized representative of the City.

Subd. 8. Applicable laws.

A. Rental property owners are subject to all of the ordinances, laws, and regulations of the City and State of Minnesota relating to rental dwellings, and this section shall not be construed or interpreted to supersede or limit any other applicable ordinance, law, or regulation.

Subd. 9. Reason for Action

A. The Council may revoke, suspend, deny or decline to renew any license issued under this chapter upon any of the following grounds:

1. False statements on any application or other information or report required by this chapter to be given by the applicant or licensee.
2. Failure to pay any fee required by this chapter.
3. Failure to correct deficiencies noted in a compliance order in the time specified in the order.
4. Failure to permit an inspection or comply with a request for inspection after receiving a second notice as provided in this chapter.

5. Any other violation of this chapter.

B. A decision to revoke, suspend, deny or not renew a license shall be preceded by a written notice sent by first class mail to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given instructions on how to request a hearing before the City Council to contest the decision to revoke, suspend, deny, or not renew a license. Such request for a hearing must be received by the City within ten days of the mailing of the notice. Upon receipt of a request for a hearing, any action to revoke or suspend a license shall be stayed pending such hearing except in cases of emergency.

Subd. 10. Other relief.

A. Nothing in this section prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety or other codes, ordinances and State laws for violations thereof, or to seek injunctive relief for violations of any ordinance, code, or law. Nothing contained in this section prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this section or applicable law or to obtain an order closing such rental units until violations of this section have been remedied by the property owner or designated property manager. Nothing in this section relieves the property owner or designated property manager from complying with any applicable law, State of Minnesota dwelling maintenance standards, State of Minnesota health codes, and State of Minnesota fire codes, as are now in force and hereafter amended, revised or replaced, and in compliance with all other standards, ordinances, laws, and regulations governing use, occupancy, construction, and maintenance of property and conduct of persons in or on that property.

Subd. 11. Written notices.

A. Notices from the City required by this section shall be effective if personally delivered or if mailed to the addressee by first class mail to the address shown for the recipient of the notice in the City file pertaining to the rental unit involved in the notice.

Subd. 12. Fees.


A. The fees for rental unit inspections and registrations will be set by resolution of the City Council or in an ordinance adopting the City's fee schedule. Failure to pay required fees may result in the City assessing such amounts to the property.

Subd. 13. Severability clause.

A. If any subdivision, paragraph, sentence, clause or phrase of this section is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this section.


SECTION II. That this ordinance shall take effect and shall be in force 30 days from and after its adoption, approval, and publication.

Adopted by the City Council of the City of Courtland this 6th day of October, 2016.



Mayor

Attest:



City Clerk

