



CITY OF SPRING PARK
WORK SESSION AGENDA
JANUARY 21, 2020 – 6:00 PM
SPRING PARK CITY HALL

(Work Session discussion times are approximate)

1. 6:00 – RENTAL ORDINANCE DISCUSSION
 - a. Exhibit A: Long-Term Rental Ordinance
 - b. Exhibit B: Short-Term Rental Ordinance
 - c. Exhibit C: International Property Maintenance Code (IPMC) Ordinance
 - d. Exhibit D: Tiered Property Rating System
2. 6:40 – FEBRUARY/MARCH MEETING SCHEDULE & COUNCIL APPOINTMENTS
3. 6:55 – ADJOURN

Draft 8/27/19

**CITY OF SPRING PARK
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2019 – _____

**AN ORDINANCE AMENDING CHAPTER 12 (BUSINESSES) TO ADD ARTICLE V.
(RENTAL HOUSING) SECTION 250-264 OF THE SPRING PARK CITY CODE**

**THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA
ORDAINS AS FOLLOWS:**

Section 1. Article V. (Rental Housing) Section 250-264 is hereby added to Chapter 12 (Businesses) to read as follows:

Sec. 12-250. - Statement of policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a rental dwelling unit registration permit and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units. It is the purpose of this article to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental dwelling units is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.
- (b) This article shall apply to all dwelling units that are leased in whole or in part as a rental dwelling unit for 30 consecutive days or more, including single-family and two-family townhomes or multiple family housing. It also shall apply to accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the property. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the state, nursing homes, hotels or motels, having up to two roommates in an owner-occupied dwelling, or owner-occupied dwelling units.

Sec. 12-251. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means, any building or portion thereof that contains three or more dwelling units, sleeping rooms, or a combination thereof but not including condominiums or townhomes.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Condominium means a single dwelling unit in a multi-dwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property. Each individual owner may sell or encumber his/her own unit.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

Dwelling, single-family means a building or portion thereof containing one dwelling unit. For purposes of this article, a single-family dwelling includes a free standing single family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a non-residential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

Dwelling, two-family means a building containing two dwelling units.

Efficiency means a dwelling unit containing only one habitable room plus private bathroom facilities within the unit.

Family means one or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three persons not so related maintaining a common household and using common cooking and kitchen facilities.

Lease means an oral or written, formal or informal, agreement between a dwelling unit owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid rental registration permit from the city.

Rent means the consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

Rental dwelling unit means a dwelling unit or sleeping room occupied and leased by one or more tenants.

Rental registration permit means the formal approval of an activity specified on the rental registration certificate issued by the city.

Roommate means a person unrelated to the owner of the property, who shares living of the common quarters for longer than 30 consecutive days within a homesteaded and owner-occupied property.

Sleeping room means any room or rooms used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the Minnesota Department of Health.

Tenant means any adult person granted temporary use of a rental dwelling unit or sleeping room pursuant to a lease with the owner of the rental dwelling unit.

Townhouse means a single-family dwelling constructed in a group of dwellings attached to each other and where each dwelling unit extends from the foundation to the roof and is separated from other dwelling units by property lines.

DIVISION 2. REGISTRATION PERMIT.

Sec. 12-252. - Required.

No person shall operate, let or cause to be let a rental dwelling unit which has not been properly registered by the city. A registration permit must be obtained for each residential dwelling unit except, two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall require only a single permit. Upon receipt of the properly executed initial application for a rental registration permit, the applicant shall cause an inspection to be made of the rental dwelling unit(s) by the building official to determine whether the unit(s) is/are in compliance with all code requirements and the laws of the State of Minnesota. If compliance is determined, the City shall issue a registration permit. Every rental dwelling unit shall be re-inspected upon submission of a renewal application, as required by this article, to determine if it still conforms to all applicable codes and laws.

Sec. 12-253. - Application.

A registration permit application shall be submitted to the city administrator on forms furnished by the city and must contain all information contained thereon, including the following:

- (a) Name, address, and telephone number of the owner of the rental dwelling unit(s). This is the address to which the city will send all future correspondence. The applicant shall indicate if the owner is an individual, corporation, partnership or sole proprietorship;

- (b) Name, address, and telephone number of any owner's agent responsible for the management of the rental dwelling unit(s), if applicable;
- (c) Legal address of the rental dwelling unit(s) and, for apartment buildings or condominiums, the unit numbers for each rental dwelling unit; and
- (d) Number and type of rental dwelling units by bedroom count (efficiency, one bedroom, two bedrooms, etc.).

Sec. 12-254. - Changes in Ownership and Amended Permits.

A registration permit is not assignable. Any changes occurring in the ownership of a rental dwelling unit(s) require a new registration permit. The new owner must obtain a new registration permit within 30 days of acquiring the property if continuing to operate a rental dwelling unit thereon. If any changes occur in any information required on the registration application, the owner must submit an amended registration application to the city within 30 days of the change. If any rental dwelling units are added to a current registration permit, the additional rental dwelling units must be registered by amendment of the current registration permit and must be accompanied by the fee required for the additional units.

Sec. 12-255. – Registration Permit Duration.

All rental dwelling units shall be registered before being let, in whole or in part; provided, however, that all rental dwelling units that are leased and occupied by tenants as of the effective date of this ordinance shall be registered no later than April 1st, 2020. The first registration permit assigned to a rental property will be a 2-year term and upon first renewal, the term length shall be determined by the building inspector based on condition of the rental property and the city's Tiered Rental Housing Inspection Program. Registration permits will expire at midnight on April 1st of the assigned year. Registration permits must be renewed at least 30 days prior to the expiration of the current permit. Rental dwelling units must be registered as an efficiency, a single-family dwelling, a two-family dwelling, or an apartment building. Any unregistered rental dwelling units are subject to penalties as provided in this article or elsewhere in state or local law.

Sec. 12-256. - Fees.

A registration fee and per-unit inspection fee shall be adopted by the city council and included in the city's official fee schedule. All required fees must accompany the registration application and shall double when an application renewal is received more than 30 days after it was due.

Sec. 12-257. - Inspection.

Upon receipt of an application for a registration permit or renewal, the building official shall coordinate an inspection to ensure compliance with this article. The building official shall provide

reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Each occupant of a rental dwelling unit shall give the owner, or the owner's agent, access to any part of such rental dwelling unit at reasonable times for the purpose of effecting the inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under his/her control for an inspection pursuant to this article, the city may obtain an administrative warrant authorizing such inspection. Any city costs associated with obtaining a search warrant will be charged against the property being served. Upon inspection, the proposed rental property shall adhere to the following:

- (a) The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and;
- (b) All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

Sec. 12-258. - Issuance of Permit.

The City shall issue a registration permit if the rental dwelling unit(s) and the application are found to be in compliance with the provisions of this article and all required registration and inspection fees are paid. A registration permit will be issued for each residential dwelling unit except, two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall be issued a single registration permit. Rental registrations shall be conspicuously posted in all rental properties sharing a common entrance used by two or more rental dwelling units and the owner or agent for the owner must be able to present the registration permit if asked to do so.

Sec. 12-259. – Inspections and Investigations in Response to Complaint.

All inspections will be completed by the Building Inspector or his or her designee so as all inspections will be completed in a uniform manner.

- (a) Initial inspections of all registered properties will occur within the first year after adoption of this chapter. Properties will have a scheduled re-inspection on a schedule to be determined by the City Administrator or his or her designee. All properties shall be inspected by the city based on the City of Spring Park's Tiered Rental License Inspection Program. The city shall have the right to make periodic inspections of all properties based on complaints of landlords; tenants, neighbors

or other individuals. Inspection procedures for complaints should be as follows:

(1) *Tenant complaint procedure.*

- a. Tenant verbally notifies the owner of the property of a property complaint;
- b. Tenant notifies property owner in writing to describe the complaint;
- c. If owner does not respond and address the problem within a reasonable period, tenant may send a copy of the owner notice to the city to report the deficiency;
- d. City Inspector arranges to inspect the rental unit; and
- e. City Inspector notifies the owner in writing describing the deficiency and recommended corrective action, and schedule for needed corrections.

(2) *Owner complaint procedure.*

- a. Owner of the property verbally notifies the tenant of property complaint;
- b. Owner of the property notifies tenant in writing to describe the complaint;
- c. If tenant does not respond and address the problem within a reasonable period, owner may send a copy of the tenant notice to the city to report the deficiency;
- d. City Inspector arranges to inspect the rental unit; and
- e. City Inspector notifies the tenant in writing describing the deficiency and recommended corrective action, and schedule for needed corrections.

All inspections shall follow Sec. 12-257 or Sec. 12-259 of city code.

Sec. 12-260. – Revoking, Suspending, Denying or Not Renewing a Registration Permit.

- (a) The city council may revoke, suspend, deny or decline to renew any registration permit issued under this article by following the process contained in this section. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the reasonable discretion of the city council. The basis for such revocation, suspension, denial or non-renewal may include, but shall not be limited to, any of the following circumstances:

- (1) The registration permit was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit.
 - (2) The applicant or one acting in his/her 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 granted by the city.
 - (4) The activities of the owner related to any rental dwelling unit create or have created an unreasonable danger to the public health, safety or welfare.
 - (5) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public.
 - (6) Failure to pay any application fee or reinstatement fee required by this article.
 - (7) Failure to correct any code violations in the time period specified in the notice of violation.
 - (8) Any violation of this article or any other state or local law related to the rental dwelling unit(s).
 - (9) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the registration permit.
- (b) Fines. In lieu of or in addition to revoking or suspending a registration permit for violations of this article, the city in its sole discretion may impose a civil fine pursuant to and in accordance with Spring Park City Code, section 1-14.
- (c) Notification. The city shall notify the owner or the owner's agent in writing of the basis for a revocation, suspension, denial or non-renewal and the date upon which the city council will review a recommendation to revoke, suspend, deny, or not renew the registration permit. The notice required by this section shall be mailed to the owner or the owner's agent at least 10 days before the city council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class

mail at the address provided in the registration application.

- (d) Hearing. The owner or the owner's agent shall be given an opportunity to be heard during the city council hearing. The city council shall hear all relevant evidence and arguments and shall review all statements, documents, and other evidence submitted.
- (e) Decision. The city council shall make findings based on the evidence presented and shall make a decision on the recommendation to revoke, suspend, deny, or not renew a registration permit based on the findings. The city council shall issue a written decision within 30 days following the date of the hearing and shall notify the owner of the decision by first class mail. The decision shall specify the rental dwelling unit or units to which it applies. Thereafter, and until a registration permit is reissued or reinstated, no rental dwelling units that have had their rental registration permit revoked, suspended, denied, or non-renewed may be let or occupied by tenants. Revocation, suspension, denial, or non-renewal of a registration permit shall not excuse the owner from compliance with all terms of this article for as long as any rental dwelling units in the building are occupied.
- (f) Permit Process after Revocation, Suspension, Denial or Renewal Declination. After the city council revokes, suspends, denies or declines to renew a registration permit, no registration permit will be issued for the affected rental dwelling unit(s) until the city determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action. An application to obtain a registration permit for a rental dwelling unit after the city council has revoked, suspended, denied or declined to renew a registration permit for the same rental dwelling unit(s) must be accompanied by all fees required by this article.

Sec. 12-261. – Effect of Revocation, Suspension, Denial or Non-Renewal.

If a registration permit is revoked, suspended, denied or not renewed by the city council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, rental dwelling unit(s), until such time as a valid rental registration permit is obtained for the rental dwelling unit(s). Issuance of a new registration permit after revocation, suspension, denial or non-renewal shall be made in the manner provided for in this article.

Sec. 12-262. - Posted to Prevent Occupancy.

Whenever any rental dwelling unit has been denied an initial registration permit, had its registration permit revoked, suspended, denied or not renewed, it may be posted by the building official to prevent further occupancy. No person other than the building official shall remove or alter any posting. The building official may post the date the rental dwelling unit shall be vacated,

and no person other than the owner shall reside in, occupy or cause to be occupied that rental dwelling unit.

Sec. 12-263. – Penalties.

Any person who violates any of the provisions of this article shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under State law. The building official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until the code violations are corrected.

Sec. 12-264. – No Warranty by City.

By enacting and undertaking to enforce this code, the city, city council, its agents, and/or employees do not warrant or guaranty the safety, fitness or suitability of any dwelling in the city. Owners and tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

Section 2. Effective Date. This ordinance shall be in full force and effective immediately upon its passage and publication.

ADOPTED by the City Council of Spring Park this ____ day of _____, 2019.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Theresa Schyma, City Clerk

Draft 8/27/19

**CITY OF SPRING PARK
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2019 – _____

**AN ORDINANCE AMENDING CHAPTER 12 (BUSINESSES) TO ADD ARTICLE VI.
(SHORT-TERM RENTAL HOUSING) SECTION 270-275 OF THE SPRING PARK CITY
CODE**

**THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA
ORDAINS AS FOLLOWS:**

Section 1. Article VI. (Short-Term Rental Housing) Section 270-275 is hereby added to Chapter 12 (Businesses) to read as follows:

Sec. 12-270. – Statement of Policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a limited short-term rental licensing and maintenance program that corrects substandard conditions and maintains a standard for short-term rental housing. It is the purpose of this article to only allow short-term rental housing in certain circumstances to ensure that it remains decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of short-term rental housing is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such housing may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.
- (b) This article shall apply to all short-term rental dwelling units, as defined herein. It also includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the same property as the short-term rental dwelling unit. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the State, nursing homes, hotels or motels, or accessory apartments utilized by one blood relative or one on-site employee or servant.

Sec. 12-271. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedroom means a habitable room within a primary residence which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or short-term rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid license issued under this article.

Primary residence means a dwelling unit with a homestead classification, as defined by Minnesota Statutes, section 273.124, and as determined by the Hennepin County Assessor.

Rent means the temporary occupancy, use, or possession of a dwelling or dwelling unit in exchange for compensation, in money or other consideration, given or offered in exchange for such use, whether or not received.

Short-term rental dwelling unit means a dwelling unit rented for a period of less than 30 consecutive days, for tourist or transient use.

DIVISION 2: LICENSING

Sec. 12-272. – General Requirements and License Issuance.

- (a) License Required. No person may operate a short-term rental dwelling unit in the city unless granted a license pursuant to this article.
- (b) License Application. Any owner desiring to offer or use a short-term rental dwelling unit within a primary residence in the city must first apply for and obtain a license from the city. A license must be approved prior to operating. The license application request must be submitted on the form prescribed by the city and must include all the information requested on the application form. Site plans showing locations of designated parking on the property must be submitted along with the application form.
- (c) Fees. The license application form must be accompanied by payment in full of the required license application fee and inspection fee. The fee amounts will be as determined by the city council and listed in the city's fee schedule. Fees for new licenses obtained for less

than the three-year license term will be determined on a monthly pro-rated basis until the next full three-year term.

(d) Issuance. All licenses shall be issued administratively by the city administrator pursuant to the terms contained herein.

(e) Criteria for Issuance. Prior to issuance of a license hereunder, the following criteria must be met:

(1) The licensee certifies on the application form that all applicable requirements found in this article are satisfied. Such items shall include, but not be limited to, the following:

a. Operating a short-term rental dwelling unit is a permitted use in the zoning district of the subject property;

b. The property complies with all of the performance standards found in this article; and

c. Compliance with all other provisions of state and local law.

(2) Upon receipt of a license application, the building official shall schedule an inspection with the owner to ensure compliance with this article. The building official shall provide reasonable notice to the owner as to the date and time of the inspection. The failure or refusal by the owner to permit entry to the property shall be grounds for denial of a license. Upon inspection, the proposed short-term rental dwelling unit shall adhere to the following:

a. The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and;

b. All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

(f) Term. Licenses for short-term rental properties will follow 3-year cycles and expire at midnight on the third April 1st following its issuance, and applications for renewal must be submitted at least 30 days prior to the expiration of the current license. Any unlicensed short-term rental housing is subject to penalties as provided in this article or elsewhere in state or local law.

- (g) No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.

Sec. 12-273. – General Performance Standards.

The following shall be the general standards for all short-term rental dwelling units within the city.

- (a) No Physical Alterations. No physical alterations of a primary residence shall be permitted in conjunction with the operation of a short-term rental dwelling unit, except that additional onsite parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city code.
- (b) Non-Transferable. Licenses issued under this section are non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- (c) Number of Bedrooms. Each license shall indicate the number of bedrooms which are contained in the primary residence. No licensee shall advertise the primary residence as containing any more than the identified number of bedrooms.
- (d) Limit on the Number of Guests. The maximum number of transient guests permitted to stay within a short-term rental dwelling unit at any one time shall be the sum of the number of bedrooms contained in the primary residence multiplied by two, up to a maximum of 10. Such sum shall include both adults and children.
- (e) Signage. No commercial signage is allowed on the property of any short-term rental dwelling unit.
- (f) Events. Events are not allowed to be hosted by transient guests on the licensed property. For purposes of this prohibition, an event shall mean a gathering on the property of the total number of people permitted to stay on the premises plus five. Events hosted by the owner are exempt from this prohibition, but must otherwise abide by state and local law and policies.
- (g) Parking. The maximum amount of vehicles allowed at the property shall be limited to the number of approved off-street parking spaces provided. Parking is prohibited on-street or on landscaped/turfed areas of the property. To be valid, off-street parking shall meet any applicable requirements set forth in the city zoning code. Towable trailers behind vehicles are permitted as long as they are stored in an approved off-street parking space and do not encroach into landscaped/turfed areas of the property.
- (h) Occupant Eligibility. The primary overnight and daytime occupant of a short-term rental dwelling unit must be an adult 21 years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.
- (i) Advertising. All advertising for short-term rental dwelling units within the city shall include the city-issued license number.
- (j) House Number Visible. Property containing a short-term dwelling unit must have a visible house number that can be easily seen from the street at all times.

- (k) Disorderly Behavior. Disorderly behavior, as defined in Spring Park City Code, section 12-274(b), shall be prohibited.

Sec. 12-274. - Disorderly Behavior at Registered Rental Dwelling Units.

- (a) It shall be the owner's responsibility to assure that the tenants, the tenants' family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this section, rental dwelling unit shall include all common areas, both inside the building where the rental dwelling unit is located and outside.
- (b) For the purposes of this section, disorderly behavior may include but is not limited to any of the following:
- (1) Drug-related illegal activity occurring in or near the rental dwelling unit. Drug-related illegal activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance, as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per Minnesota Statutes, section 152.092.
 - (2) Any act of violence or threat of violence including, but not limited to, the discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, agent, manager, other tenants, tenant's family members, guests or neighboring property owners.
 - (3) A violation of Minnesota Statutes, sections 609.75 through § 609.76, which prohibit gambling.
 - (4) A violation of Minnesota Statutes, sections 609.321 through § 609.324, which prohibit prostitution.
 - (5) A violation of Minnesota Statutes, section 340A.401, which prohibits the unlawful sale of alcoholic beverages.
 - (6) A violation of Minnesota Statutes, section 340A.503, which prohibits the underage use of alcoholic beverages.
 - (7) A violation of Minnesota Statutes, section 609.74 or Spring Park City Code, chapter 18, articles III and IV, which prohibit nuisances and noise violations.

- (8) A violation of 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.
- (9) A violation of Minnesota Statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
- (10) A violation of Minnesota Statutes, sections 609.185 through 609.205, which prohibit murder and manslaughter.
- (11) A violation of Minnesota Statutes, sections 609.221 through 609.2231, which prohibit assault.
- (12) A violation of Minnesota Statutes, sections 609.342 through 609.3451, which prohibit criminal sexual conduct.
- (13) A violation of Minnesota Statutes, section 609.52, which prohibits theft.
- (14) A violation of Minnesota Statutes, section 609.561 through 609.5632, which prohibit arson.
- (15) A violation of Minnesota Statutes, section 609.582, which prohibits burglary.
- (16) A violation of Minnesota Statutes, section 609.595, which prohibits damage to property.
- (17) A violation of Minnesota Statutes, section 609.33, relating to 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.
- (18) A violation of Minnesota Statutes, section 609.50, which prohibits obstructing the legal process.
- (19) A violation of Minnesota Statutes, section 609.713, which prohibits terroristic threats.

- (20) A violation of Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
 - (21) A violation of Minnesota Statutes, section 609.71, which prohibits riot.
 - (22) A violation of Minnesota Statutes, section 609.78, which prohibits interfering with "911" phone calls.
 - (23) A violation of Minnesota Statutes, section 243.166 (predatory offender registration).
 - (24) A violation of Minnesota Statutes, section 609.229, which prohibits gang-related crimes.
 - (25) A violation of Minnesota Statutes, section 609.26, subdivision 1(8), which prohibits contributing to a child being runaway.
 - (26) A violation of Minnesota Statutes, section 609.903, which prohibits racketeering.
 - (27) A violation of Minnesota Statutes, section 609.53, which prohibits possessing stolen property.
 - (28) A violation of Minnesota Statutes, section 609.749, which prohibits violating a restraining order or order for protection.
 - (29) A violation of Minnesota Statutes, sections 609.255 and 609.25, which prohibit false imprisonment and kidnapping.
- (c) Incidents will not be counted for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, section 518B.01, subd. 2(b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, section 518B.01, subd. 2(a).
- (d) Incidents will not be counted for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant's household, or guest taking action to seek emergency assistance that is protected by Minnesota State Statute 504B.205.

(e) Instances of Disorderly Behavior.

- (1) First Incident. Upon a determination by city staff or law enforcement that a short-term rental dwelling unit was the location of disorderly behavior, the city shall notify the owner and tenant of the violation by first class mail and direct the owner to take steps to prevent further violations.
- (2) Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a short-term rental dwelling unit within three months of a first disorderly behavior incident, the city shall notify the owner and the tenant by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and what actions the owner intends to take to prevent further disorderly behavior.
- (3) Third Incident. Upon a determination by City staff or law enforcement that a third incident of disorderly behavior occurs at a short-term rental dwelling unit within three months after a second disorderly behavior incident, the short-term rental dwelling unit license may be revoked, suspended or not renewed by the city council upon the recommendation of the city administrator and in accordance with section 12-260. The city administrator shall make its decision to recommend revocation, suspension or non-renewal of the license and submit said recommendation to the city council within 30 days of the third incident.
- (4) For purposes of this section, second and third instances of disorderly behavior shall be those which:
 - a. Occur at the same short-term rental dwelling unit;
 - b. Involve tenants at the same short-term rental dwelling unit;
 - c. Involve guests or invitees at the same short-term rental dwelling unit;
 - d. Involve guests or invitees of the same tenant; or
 - e. Involve the same tenant.
- (f) No adverse license action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings against the tenant(s) that were the subject of the incidents (unlawful detainer), or within 30 days of notice to vacate given by the owner to the tenant(s) that were the subject of the incidents. However, adverse license action may proceed when the owner fails to diligently pursue the eviction process. 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, at the discretion of the city, if the owner has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction process.

- (g) For purposes of this section, a determination that the short-term rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this article.
- (h) Enforcement actions provided throughout this article shall not be exclusive, and the city may take any action with respect to an owner, a tenant or the registered short-term rental dwelling unit(s) as is authorized by this article or any other provision contained in state or local law.

Sec. 12-275. – Enforcement and License Revocation.

- (a) Enforcement and License Revocation. Upon a finding that a licensee has violated the terms of this article, or any other applicable ordinance, law, or regulation, on two occasions within the license period, or upon the occurrence of a third incident of disorderly behavior under section 12-273, the city may revoke the license. Prior to such revocation, the city administrator shall mail written notice of the applicable violations to the licensee and thereafter, the licensee shall have ten days to request a hearing, in writing, regarding such revocation before the city council. Failure to request such a hearing, in writing, shall constitute waiver of the right to be heard on such revocation.
- (b) Effect of Revocation. Upon revocation of a license under this section, such licensee shall be ineligible for applying for a new license for a period of 12 months from the date of revocation.
- (c) Violation a Misdemeanor. Any violation of any term of this article shall also constitute a misdemeanor.
- (d) Fines. In addition to any other remedy contained herein or authorized by law, the city may impose administrative fines for violations of this article in accordance with Spring Park City Code, section 1-14.
- (e) Remedies Not Exclusive. In the event of a violation of this article, the city, in addition to any and all other remedies provided by law, shall be entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Section 2. Effective Date. This ordinance shall be in full force and effective immediately upon its passage and publication.

ADOPTED by the City Council of Spring Park this ____ day of _____, 2019.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Theresa Schyma, City Clerk

DRAFT

Draft 8/27/19

**CITY OF SPRING PARK
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2019 – _____

AN ORDINANCE AMENDING CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS AND SIGNS) TO ADD ARTICLE II. (BUILDING CODE) SECTION 37-38; OF THE SPRING PARK CITY CODE

**THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA
ORDAINS AS FOLLOWS:**

Section 1. Article II. (Building Code) Section 37-38 is hereby added to Chapter 10 (Buildings and Building Regulations and Signs) to read as follows:

Sec. 10-37. – Rental Housing Building Code.

Any rental property within the City of Spring Park shall follow the 2018 International Property Maintenance Code (IPMC) for the purpose of establishing minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Sec. 10-38. – International Property Maintenance Code Adopted.

The 2018 International Property Maintenance Code and its amendments is adopted by reference as the building code for the City. A copy of the code shall be kept on file in the office of the city administrator/clerk/treasurer.

Section 2. Effective Date. This ordinance shall be in full force and effective immediately upon its passage and publication.

ADOPTED by the City Council of Spring Park this ____ day of _____, 2019.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Theresa Schyma, City Clerk

DRAFT



Rental Licensing Tier Elements

Element	Description	1-3 Unit Rental Buildings		4+ Unit Rental Buildings, Condominiums, and Mixed-Use Buildings	
		Count	Points	Count	Points
Inspections	The number of inspections conducted by Regulatory Services at a given property	1-3	0	1-3	0
		4-6	10	4-6	10
		7-9	20	7-9	20
		10+	30	10+	30
Violations	The number of housing or fire code violations issued by Regulatory Services, with violations identified as high risk being assessed five points each	1-5	5	1-5	5
		6-15	10	6-15	10
		16-30	20	16-30	20
		31+	30	31+	30
Letter of Intent to Condemn for Lack of Maintenance	The number of letters issued with the intent to condemn a building for the lack of maintenance	1	15	1	15
		2+	30	2+	30
Rental License Operation Conditions	The rental property owner has met with the City to agree upon certain conditions or restrictions for a given rental property	1	10	1	10
		2+	20	2+	20
License Revocation Action	Revocation action has been taken against the property for the violation of rental licensing standards	1	65	1	35
Solid Waste Dirty Collection Point Warning Letters	The number of Solid Waste warning letters issued to a property for a dirty collection point	2-3	5	2-3	5
		4-5	10	4-5	10
		6+	15	6+	15
Solid Waste Dirty Collection Point Clean-Ups	The number of collection point clean-ups undertaken at a property by Solid Waste	1-2	10	1-2	10
		3-6	15	3-6	15
		7-9	20	7-9	20
		10+	30	10+	30
Public Works Snow and Ice Removal Letters	The number of Public Works warning letters issued to a property for snow and ice removal	2-3	5	2-3	5
		4-5	10	4-5	10
		6+	15	6+	15
Public Works Public Walk Snow and Ice Removal Clean-Ups	The number of snow and ice clean-ups undertaken at a property by Public Works	1-2	10	1-2	10
		3-6	15	3-6	15
		7-9	20	7-9	20
		10+	30	10+	30
Delinquent Rental License Fee	The rental license fee has not been received by the due date	1	5	1	15
		2	31	2	21
Administrative Citations	Fines issued at a given property	1-2	5	1-2	5
		3+	10	3+	10

Element	Description	1-3 Unit Rental Buildings		4+ Unit Rental Buildings, Condominiums, and Mixed-Use Buildings	
		Count	Points	Count	Points
Special Assessments	All outstanding fines or fees issued to a given property	2-4	10	2-4	10
		5-7	20	5-7	20
		8+	30	8+	30
Conduct on Premises	A provision in the Rental Licensing Ordinance that allows the City to address qualifying incidents of disorderly conduct of tenants and their guests that adversely impacts neighbors	1	15	1	15
		2+	20	2+	20
Fire Alarm and Suppression Systems	A permit for the building's fire alarm or suppression system has been approved or its existence has been verified			Has not been approved or verified	5
		1-3 Unit Rental Buildings		4+ Unit Rental Buildings, Condominiums, and Mixed-Use Buildings	
		Tier	Score	Tier	Score
		3	65+	3	35+
		2	31-64	2	21-34
		1	0-30	1	0-20

Rental License Tiering

The majority of residential rental properties in Spring Park provide safe and sanitary housing. Rental properties that are not regularly maintained, use excessive City services, and are at a higher risk for fire damage, create safety and livability issues for residents and neighbors. A tiered rental license inspection program allows the city to prioritize inspections required to maintain safe housing conditions.

- **Tier 1**, Five year cycle: Use very few city services, well maintained, managed and meet minimum housing code.
- **Tier 2**, Four year cycle: Use some city services, maintained to minimum housing code, may be at a higher risk for fire damage.
- **Tier 3**, Three year cycle: Require excessive city services, poorly maintained or managed, may be at a higher risk for fire damage.

Tiering Process

- Twenty-four (24) months of data are analyzed to determine a property's tier
- A set of fifteen elements are used to determine the tier score
- The tiering elements are equally applied to the city's rental licenses
- Element points are totaled to determine the property's tier

Determining a property's tier

- **Inspections:** The number of inspections conducted by the city at a given property
- **Violations:** The number of housing or fire code violations issued by the city
- **Letter of Intent to Condemn for Lack of Maintenance:** The number of letters issued with the intent to condemn a building for the lack of maintenance
- **Rental License Operation Conditions:** The rental property owner has met with the city to agree upon certain conditions or restrictions for a given rental property.
- **License Revocation Action:** Revocation action has been taken against the property for the violation of rental licensing standards
- **Solid Waste Dirty Collection Point Warning Letters:** The number of solid waste warning letters issued to a property for a dirty collection point
- **Solid Waste Dirty Collection Point Clean-Ups:** The number of collection point clean-ups undertaken at a property by Public Works
- **Public Works Snow and Ice Removal Letters:** The number of Public Works warning letters issued to a property for snow and ice removal
- **Public Works Public Walk Snow and Ice Removal Clean-Ups:** The number of snow and ice clean-ups undertaken at a property by Public Works
- **Delinquent Rental License Fee:** The rental license fee has not been received by the due date
- **Administrative Citations:** Fines issued at a given property
- **Special Assessments:** All outstanding fines or fees issued to a given property
- **Conduct on Premises:** A provision in the Rental Licensing Ordinance that allows the city to address qualifying incidents of disorderly conduct of tenants and their guests that adversely impacts neighbors
- **Fire Alarm & Suppression System:** A permit for the building's fire alarm or suppression system has been approved or its existence has been verified



STAFF MEMO

CANCEL/RESCHEDULE CERTAIN
UPCOMING CITY COUNCIL MEETINGS

1. **BACKGROUND:** In previous years the City Council has typically cancelled one or both of the Council meetings in February to accommodate winter travel plans of Council Members. Furthermore, this year the March 2 City Council meeting occurs 12 hours before the start of the March 3 Presidential Nomination Primary Election in the council chambers.
2. **DISCUSSION:** Currently there are not any critical items that the Council needs to consider in February when Council attendance will be reduced. Additionally, all billing and claims are still able to be paid by the City in a timely manner due to Council Resolution No. 20-04 which authorizes staff to pre-pay certain claims and disbursements.

The Presidential Nomination Primary Election will occur on Tuesday, March 3, 2020. City staff completes the election room set-up prior to Election Day to ensure that the opening of the polls goes as smoothly as possible for the City's election judges; therefore, the council chambers will be unavailable for the regularly scheduled March 2 meeting. There are many components to Election Day and the City's election judges appreciate the assistance from staff since the room set-up process can be time consuming and physically demanding. Due to the fact that the March 2 City Council Meeting is a mere 12 hours before the opening of the polls, City staff are recommending the first Council meeting of March be rescheduled to March 9, 2020 at 7 p.m.

3. **RECOMMENDATION:** Approve the following items as part of the Consent Agenda:
 - Cancel February 3, 2020 City Council Regular Meeting
 - Cancel February 18, 2020 City Council Work Session & Regular Meeting
 - Reschedule March 2, 2020 City Council Regular Meeting to March 9, 2020 @ 7 p.m.

**CITY OF SPRING PARK
SPRING PARK, MINNESOTA
APPOINTMENTS FOR YEAR 2020**

- | | |
|--|---|
| 1. ACTING MAYOR | Hughes |
| 2. ACCOUNTANT | Abdo Eick & Meyers, LLP |
| 3. AUDITOR | MMKR, James Eichten |
| 4. CITY ATTORNEY | Kennedy & Graven |
| 5. CITY PROSECUTING ATTORNEY | Greg Keller |
| 6. EMERGENCY MANAGEMENT DIRECTOR
LOCAL COORDINATOR | Chief of Police
PeopleService |
| 7. CITY ENGINEER | Sambatek |
| 8. CITY ASSESSOR | Hennepin County |
| 9. OFFICIAL SIGNATURES
ALTERNATE SIGNATURES | Mayor, City Clerk
Acting Mayor, City Administrator |
| 10. OFFICAL NEWSPAPER | The Laker |
| 11. WEED INSPECTOR
ALTERNATE | Mayor
VACANT |
| 12. ADMINISTRATIVE COMMITTEE
ALTERNATE | Rockvam, Hughes
VACANT |
| 13. GILLESPIE CENTER REPRESENTATIVES
(City may appoint up to 2 representatives; at least 1 shall be a Council Member) | Horton, Bren (resident) |
| 14. POLICE COMMISSION
ALTERNATE
(City may appoint up to 2 representatives) | Rockvam, VACANT , Administrator
VACANT |
| 15. PLANNING COMMISSION EX-OFFICIO
ALTERNATE | VACANT
Horton |
| 16. BEAUTIFICATION COMMISSION | Planning Commission |

- | | |
|--|--|
| 17. LAKE MINNETONKA CABLE COMMISSION | Horton, Williamson (resident) |
| 18. SUBURBAN RATE AUTHORITY (SRA) | City Administrator |
| 19. DATA PRACTICES COMPLIANCE OFFICIAL
RESPONSIBLE AUTHORITY | City Clerk
City Clerk |
| 20. INVESTMENT, FINANCE, & PERSONNEL | Rockvam, VACANT , Administrator |
| 21. FIRE COMMISSION
ALTERNATE
(City may appoint up to 2 representatives) | Hughes, Administrator
VACANT |
| 22. LMCD BOARD OF DIRECTORS | Hughes (term ends 01/22) |
| 23. PLANNING COMMISSIONERS | Avalos
Hoffman
Homan
Kaczanowski
Mason |