

CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 20-01

AN ORDINANCE AMENDING THE CITY OF SPRING PARK CITY CODE
WITHIN THE CITY OF SPRING PARK

THE CITY COUNCIL OF THE CITY OF SPRING PARK ORDAINS:

Section 1. A new Article V (Rental Housing) is hereby added to Chapter 12 of the Spring Park City Code and shall read as follows:

ARTICLE V – RENTAL HOUSING

DIVISION 1. GENERALLY

Purpose and Scope.

Section 12-250. Purpose and Scope. It is the purpose of this Chapter to assure that rental single-family and two-family dwelling in the City is decent, safe, sanitary, and is operated and maintained in accordance with the City's regulations. The implementation of a rental-licensing program is a mechanism to ensure that rental single-family housing and two-family dwellings will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvest in the community. The operation of rental housing entails certain responsibilities. Owners of rental housing are responsible to take the reasonable necessary steps to ensure that the citizens who occupy rental dwelling may pursue the quiet enjoyment of the normal activities of life in the surrounding area that are: safe; secure; sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children.

DIVISION 2. DEFINITIONS.

Section 12-251. 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 designated 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. Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied for living purposes.

Dwelling Unit. A dwelling unit is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking eating, and sanitation that's used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied for living purposes.

Dwelling, single-family Any building that contains one dwelling unit that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation that's used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied for living purposes.

Dwelling, two-family means a building containing two separated dwelling units located on one lot.

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

Family. A person living alone or any of the following groups, provided that the members of the group live together within a single dwelling unit and do not exceed the maximum occupancy limits of the city code and/or state building code:

- (a) An individual plus one or more persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit; or
- (b) Two unrelated people and any children related to either of them; or
- (c) One or more persons occupying a premises, subject to a limit of not more than four unrelated persons 18 years of age or older provided that the occupants reside permanently on the premises for thirty (30) days or longer; or
- (d) Group residential facilities having six or fewer residents licensed by the Minnesota Department of Human Services or the Minnesota Department of Corrections.

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.

Long Term Rental. A dwelling unit, or a portion of a dwelling unit, rented for a period of thirty (30) days or longer.

Occupant. A person who lives or sleeps in a dwelling unit.

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 license from the City.

Rent. To permit occupancy of a dwelling unit by a person other than the legal Owner thereof, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.

Rental License means the formal approval of an activity specified on the rental license issued by the City.

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

Tenant. A person who occupies a rental dwelling.

DIVISION 3. - RENTAL HOUSING LICENSING – GENERAL LICENSING PROVISIONS

Section 12-252. General Licensing Provisions for all single- and two-family rental properties.

- (a) **License Required.** No person shall rent a single-family detached dwelling unit or all or part of a two-family dwelling unit, regardless of the zoning district, to another for occupancy unless the City has issued a rental license for the dwelling unit.
- (b) **License Application.** The Owner of a single-family or two-family dwelling unit may submit an application for a rental license on forms provided by the City Administrator or official designee. A person who has been issued a rental license shall give notice, in writing, to the City Administrator, within ten (10) business days of any change in the information contained on the license application.
- (c) **License Fees.** Licensing fees shall be prescribed, from time to time, by Council Ordinance, and maintained on file in the office of the City Administrator. The required fees shall be submitted along with the application for a new or renewal license. The fee shall be set forth in City Code Appendix A Schedule of Fees and Charges. Applications for a renewal license submitted after the license term expiration are subject to a penalty per the Spring Park City Code.
- (d) **License Terms.** All rental dwelling units shall be licensed 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 licensed no later than December 31, 2020. The first license assigned to a rental property will be a 2-year term. Upon first renewal, the term length shall be determined by the Building Official based on condition of the rental property and the City's Tiered Rental Housing Inspection Program. Licenses will expire at midnight on April 15 of the assigned year. Licenses must be renewed at least 30 days prior to the expiration of the current license. Rental dwelling units must be licensed as a single-

family dwelling; two-family dwelling where only one unit is being rented; or two-family dwelling. Any unlicensed rental single-family or two-family dwelling units are subject to penalties as provided in Chapter 1 Sections 1-13 or 1-14 in the Spring Park City Code.

- (e) **License Issuance.** The City shall issue a dwelling unit rental license if real estate taxes and municipal utility bills for the dwelling unit have been paid, and City has no record of unresolved complaints regarding the property subject to the rental license.
- (f) **Inspection Required.** Before a property can be issued a license, an inspection by the Building Official is required. The property shall be found in compliance with all applicable zoning ordinances, building codes, fire codes, and the International Property Maintenance Code (IPMC) before a license is issued.
- (g) **Renewal of License.** A Licensee may continue to rent a dwelling unit after the expiration date of the rental license provided that the Owner has filed with the City Administrator, at least thirty (30) days before the expiration date, the appropriate renewal license application and license fee, and provided that the City has no record of unresolved complaints regarding the property subject to the rental license. The license renewal shall require an inspection by the Building Official.
- (h) **Transfer of License.** A rental license shall not be transferable to another person, entity, or to another dwelling unit. Any changes occurring in the ownership of a rental dwelling unit(s) shall require a new inspection, and license. The new owner must obtain a new license 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 license application, the owner must submit an amended license application to the City within 30 days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling unit(s) must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

DIVISION 4 – ENFORCEMENT.

Section 12-253.

The application for a dwelling unit rental license will be reviewed by the City Administrator. The City Building Official or assigned designee shall conduct inspections of the rental dwelling units to determine compliance with the applicable provisions of the Municipal Code.

- (a) **License Suspension or Revocation, or Refusal to Renew.** A dwelling unit rental license is subject to suspension or revocation by the City Council, or the City may refuse to renew a license that expires, for the reasons specified herein. Prior to suspension or revocation, the Owner shall be notified in writing at least ten (10) days prior to the City Council's consideration of such action. In the event that a dwelling unit rental license is suspended or revoked by the City Council, or a renewal application is denied, it shall be unlawful for the Owner to thereafter permit any new occupancy for vacant or thereafter vacated dwelling units, until the dwelling unit rental license has been reissued. Issuance of a new dwelling unit rental license shall be made in the manner provided for obtaining an initial license. A

dwelling unit rental license may be suspended or revoked, or renewal may be refused, for any of the following reasons:

- (1) Failure of Owner or its Agent to operate or maintain the dwelling unit in compliance with the provisions of the City's regulations.
- (2) The activities of the Owner or tenants of the rental unit create or have created a danger to the public health, safety or welfare.
- (3) The Owner or tenants of the rental unit occupy and/or operate the unit in a manner that permits conditions that injure, annoy, or endanger the safety, health, morals, comfort and repose of any member of the public.

DIVISION 5 – REVOCATION

Section 12-254.

- (a) The City Council may revoke, suspend, deny, or decline to renew any license 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 license 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 create or have created a danger to the public health, safety, or welfare.
 - (5) The rental dwelling unit contains conditions that might injure or endanger the health, safety, 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(s) required of the applicant for the approval or maintenance of the license.

- (b) Fines. In lieu of or in addition to revoking or suspending a license 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 license. 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 license application.
- (d) City Council Meeting. The owner or the owner's agent shall be given an opportunity to be heard during a City Council Meeting. 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 license based on the findings. The City Council shall issue a written decision within 30 days following the date of the City Council Meeting 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 license is reissued or reinstated, no rental dwelling units that have had their rental license revoked, suspended, denied, or non-renewed may be let or occupied by tenants. Revocation, suspension, denial, or non-renewal of a license 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) License Process after Revocation, Suspension, Denial or Renewal Declination. After the City Council revokes, suspends, denies or declines to renew a license, no license 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 license for a rental dwelling unit after the City Council has revoked, suspended, denied or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this article.

Sec. 12-256. – Effect of Revocation, Suspension, Denial or Non-Renewal.

If a license 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 license is obtained for the rental dwelling unit(s). Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in this article.

DIVISION 6 - LIABILITY.

Section 12-256. 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 12-257. Liability. Neither the City nor its employees or agents shall be deemed liable for damages to a third person or property by reason of this Chapter.

THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECTIVE IMMEDIATELY FOLLOWING ITS PASSAGE AND PUBLICATION

Approved by the Spring Park City Council the _____, 2020.

Jerome Rockvam, Mayor

ATTEST:

Theresa Schyma, City Clerk

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