

Draft

CITY OF OSAKIS
ORDINANCE # _____

**AN ORDINANCE CHAPTER 155: RENTAL HOUSING
CITY OF OSAKIS OFFICIAL ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSAKIS THAT THE OFFICIAL ORDINANCE HAS AMENDED THE FOLLOWING CHANGES:

CHAPTER 155

Section 155.01: Definitions

1. *Administrator.* The Osakis City Council, or such person as the City Council may designate, to carry out the responsibilities of the Administrator as provided for in this Chapter.

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

3. *Rental Unit.* A dwelling or any portion thereof, which is designed, built, remodeled, rented, leased, or let or hired out to be occupied, which is occupied as a home or residence of a person or persons other than the Owner or purchaser of record. The term shall include sleeping rooms in such structures, but shall not include a licensed motel or hotel room customarily rented on a daily basis. The term Rental Unit shall not include nursing home facilities or care center facilities that are regulated, licensed, and inspected by state health agencies, nor shall it include any facilities owned or managed under the offices' direction or control of the U.S. Department of Urban Development. It shall also not include any unit occupied by an immediate family member.

4. *Immediate Family Member.* For purposes of this section, immediate family member shall mean parent, stepparent, child, stepchild, grandparent, grandchildren, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood or marriage.

5. *Local Property Manager.* A natural person residing within 30 miles of the city limits of the City of Osakis who is authorized by the Rental Unit Owner to act, as an agent for the Owner, and to make decisions for the Owner, about rental occupancy and maintenance of the Rental Unit.

Section 155.02: Registration Required

No person or entity may hereafter occupy, allowed to be occupied, or rented, leased, let or sublet the Rental Unit to another person or entity for occupancy unless the Rental Unit is registered as a Rental Unit pursuant to a valid and current Rental Unit registration issued by the City Council or Administrator.

The Owner of a Rental Unit shall complete a Registration Form furnished by the Administrator for that purpose. The Owner of the Rental Unit must provide the following information required by the Administrator, including the following:

- a. Name, address, and telephone number of the Owner of the Rental Unit.
- b. Name, address, and telephone number of the designated Local Property Manager.
- c. Street address and legal description for the rental property.
- d. The number and types of separate units within the rental property.
- e. The maximum number of occupants permitted for each Rental Unit.
- f. The name of each occupant of each Rental Unit.
- g. A copy of all Rental Agreements, Leases, or descriptions of an Oral Rental Agreement used to rent, let, lease, or sublet any Rental Unit.

The Owner of the Rental Unit shall periodically update the registration information to make sure information originally provided in the registration is accurate.

The City may elect to inspect the Rental Unit at any time, either as part of a periodic or random inspection schedule or in response to complaints reported to the City regarding the Rental Unit.

Section 155.03: Annual Registration; Renewals

There shall be no fee for completing a Registration Form, but registration shall be required to be completed on each calendar year. The City will annually mail registration renewals forms for Rental Unit Owners or their designated Local Property Managers on or about October 1st of each year. Registration Renewal Forms must be delivered to the City no later than November 15th of each year. Failure of the City to mail renewal forms or failure of the Owner or Local Property Manager to receive a renewal form, does not excuse or waive the registration required by this Chapter, nor does the annual registration relieve the Owner of the Rental Unit from the obligation, as stated above, to update registration information.

The Owner of the Rental Unit shall notify the City at any time ownership in the Rental Unit or dwelling is transferred by the Owner, and shall furnish to the City, the new Owner's name, address, telephone number, and other contact information as reasonably requested by the City, as well as the new Owner's designated Local Property Manager.

Section 155.04: Posting Registration

Each rental unit Rental Unit Owner must post the rental unit registration in a conspicuous spot near the front entry to the Rental Unit in a public corridor, hallway, or lobby; must retain a copy of the rental unit registration on file; and must be able to produce said copy upon demand. Failure to post the registration and keep the registration posted is a misdemeanor, but is not grounds for termination of registration.

Section 155.05: Local Property Manager

Reside

If the Rental Unit Owner does not ^{Reside} within 30 miles of the city limits of the City of Osakis, the rental Owner shall be required to designate a Local Property Manager who meets the following requirements:

1. Is available by telephone 24 hours a day/seven days per week.
2. Resides within 30 minutes ^{of} ~~within~~ the city limits of the City of Osakis and can respond by telephone and in person within 60 minutes of notification by the City.
3. Has administrative authority over the Rental Unit and its occupants and may act on behalf of the Owner of the Rental Unit.
4. Has knowledge concerning the Ordinances applicable to rental units and other dwellings located in the City.

Section 155.06: Maintenance Standards

Every Rental Unit must be maintained in compliance with the building code, blight ordinance, and other ordinances of the City, and must be in compliance with any other local and state regulations applicable to such Rental Unit.

Acceptance of registration of a Rental Unit does not constitute certification of compliance with any applicable codes, standards, ordinances, or statutes by the City or any other local, state, or federal authorities.

Section 155.07: Violation of Rental Ordinance: It will be a violation of this Ordinance to permit the Rental Unit or the occupants of the Rental Unit to violate existing City Ordinances with respect to applicable noise levels, parking, and other applicable Ordinances.

The violation of this Ordinance or any other applicable law may result in the termination of the Rental Unit registration, in which case the Rental Unit shall may not be permitted to be rented by the Rental Unit Owner until the Rental Unit is re-registered. Violations shall be addressed as follows:

1. If the Administrator determines that a violation of this section has occurred, then the Administrator will give notice of the violation to the Rental Unit Owner and the renters of the rental unit and will direct that the Rental Unit Owner take steps to prevent further violations.
2. If another violation of this section occurs within ninety (90) days of the incident for which notice was given as provided in this section, then the City Council will give notice of the violation to the Rental Unit Owner and the renters of the rental unit and will direct that the Rental Unit Owner take steps to prevent further violations. The City Council will also, at that time, request that the Rental Unit Owner submit to the City Clerk-Treasurer, within ten (10) days of the City Council's mailing of the notice of violation provided in this section, a report itemizing all actions taken by the Rental Unit Owner in response to all notices of violations as to the rental unit within the preceding ninety (90) days.

3.
 - a. If a third violation of this section occurs within ninety (90) days after the last of any two (2) or more previous violations for which notices were given pursuant to this section, and the Rental Unit Owner has not sufficiently taken action to prevent further violation, then the rental unit registration for the premises may be denied, revoked, suspended, or not renewed.
 - b. Action to deny, revoke, suspend, or not renew a rental unit registration may be initiated by the City Council who shall give to the Rental Unit Owner a written notice of hearing before the City Council to consider such denial, revocation, suspension, or non-renewal.
 - c. A notice of intent to deny, revoke, suspend, or not renew registration shall specify all violations of this section and shall state the date, time, place, and purpose of the hearing provided by this subsection.
 - d. the hearing held pursuant to this subsection shall occur no later than thirty (30) days after notice.
 - e. following the hearing, the City Council may deny, revoke, suspend, or not renew registration for all or any part of the registered premises or may grant conditional registration upon such terms and conditions as the Administrator finds necessary to accomplish the purpose of this chapter.

4. No adverse registration action may be imposed where the violation of this section occurred during the pendency of unlawful detainer eviction proceedings brought under Minnesota Statutes, Chapter 504B, or within thirty (30) days of notice given by the Rental Unit Owner to a tenant to vacate the premises at which the violation occurred, provided such unlawful detainer action related to the alleged violation of this ordinance. Unlawful detainer proceedings or a notice to vacate the premises will not, however, bar adverse registration action unless diligently pursued by the Rental Unit Owner. Any action to deny, revoke, suspend, or not renew registration for violation of this section may be postponed or dismissed by the City Council at any time if it appears to the City Council that the Rental Unit Owner has taken appropriate remedial action.

5. The standard of proof to be used in determinations by the Administrator as to conduct constituting violations under this section is a fair preponderance of evidence in support of such a determination. It is not necessary that criminal charges be brought to support a determination of violation of this section or a determination that conduct constituting a violation of this section has occurred. It is necessary, in determining a violation of this section, that law enforcement officers be called to the rental unit in response to a complaint and that a police report and investigation of the same be prepared.

6. A violation under this section includes violations by the rental unit renters or occupants, or by their visitors or guests, in or at the rental unit of the renters or tenants, or in, at, or upon its curtilage, including anywhere on the property grounds and premises of an apartment building, home, or mobile home park at which the rental unit is situated.

Section 155.08: Enforcement

- A. Nothing in this chapter prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety, or other codes or ordinances and state laws for violations thereof, or from seeking injunctive relief and criminal prosecution for violations of any ordinance, code, or law.
- B. Nothing contained in this chapter 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 chapter or from obtaining and order closing such rental units for violations of this chapter.
- C. Violation of this chapter is a misdemeanor. Each separate day on which a continuing violation occurs, is a separate violation. Administrative penalty provisions also apply.

ORDAINED by the City Council of the City of Osakis, Douglas and Todd County,
Minnesota this ____ day of _____, 2019.

ATTEST:

Angela A. Jacobson - City Clerk/Treasurer

Keith E. Emerson - Mayor

Moved by: Keith E. Emerson
Seconded by: Kyle Kostrzewski