

508. Rental Dwelling Licensing

§508.010 LICENSING OF RENTAL UNITS. This amended licensing program shall commence on April 1, 2008 and applies to all single family, two-family, and multi-family rental dwellings as hereinafter provided. All single and two-family rental owners shall have ninety (90) days from the commencement date in which to apply. All rental units shall be licensed as a prerequisite to leasing. All rental units must be in compliance with the City's "Minimum Housing Standards" as outlined in Chapter 502 of the City code in order to be licensed. Failure to secure or renew a license in the timeframe provided by the City will be cause for revocation and other legal action. All licenses shall be valid for a period of two (2) years from the date of issuance, except as otherwise provided herein or in cases of suspension or revocation. Licensees may continue to operate their business, lawfully, after the expiration date of their license provided, that the licensee has filed with the Compliance Official, on or before the expiration date, the appropriate license application and license fee. Application and license fees for new unlicensed dwellings shall be due prior to the issuance of the Certificate of Occupancy.

§508.015 RELATIVE HOMESTEAD EXEMPTION. Residential real estate that is occupied and used for the purposes of a homestead by a relative of the owner is exempt from formal licensing requirements. In these instances, the owner shall file for an exemption once every two years, on a form to be provided by the City. There shall be no charge for filing the exemption. The property must still comply with the exterior maintenance and storage requirements of Section 502 "Minimum Housing Standards"; Section 1302.030 Subd. 14 and 15 "Refuse and Exterior Storage"; and Section 1302.055 "Permitted Storage". Unless otherwise authorized by the City, the owner shall have 30 days from the date of filing the exemption to bring the property into compliance with the exterior standards. Failure to comply within this time will require the owner to apply for a formal license. For the purposes of this section, a "relative" shall include those persons defined as a relative in Minnesota Statutes Section 273.124, Subd.1(c), as may be amended from time to time. (Ref. Ord. No. 1051; 10/14/08).

§508.020 LICENSE FEES. At the time of application, the applicant shall submit a non-refundable license fee. The license fee shall be charged every two (2) years and shall equal a base fee of \$50.00 plus an additional \$7.00 for each additional dwelling unit within the apartment complex or building. When re-inspections are required, fees shall be charged pursuant to §508.130.

Non-refundable late fees for re-licensing shall be charged as follows:

- 1) 1 - 7 days after expiration 25% over original fee
- 2) 8 or more days after expiration 50% over original fee
- 3) 30 days after expiration legal procedures will begin

§508.030 OWNER OR AGENT TO APPLY. License application or renewal shall be made by the owner of rental units or a legally constituted agent. Application forms may be acquired from and subsequently filed with the Compliance Official. The applicant shall supply the following:

- 1) Name, address and telephone number of the dwelling owner; partners if a partnership; corporate officers if a corporation.

- 2) Name, address and telephone number of designated agent or manager.
- 3) Name, address and telephone number of vendee, if dwelling is being purchased through a contract for deed or mortgage.
- 4) Legal description and address of dwelling.
- 5) Number of units in each rental dwelling and the type of units (one (1) bedroom, two (2) bedroom etc...) within each of the rental dwelling.
- 6) The number of paved off-street parking spaces available (e.g. enclosed parking spaces, exterior parking spaces and handicap parking spaces).

Every person holding an operating license shall give notice, in writing, to the Compliance Officer within five (5) business days after any change of this information. Notice of transfer shall be as described in Section S502.330.

(Ref. Ord. No. 856, 11/26/91) Added 11/26/91

§508.030 RESIDENT AGENT REQUIRED. No operating license shall be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott or Washington; or Wisconsin counties: Polk, St. Croix and Pierce) unless such owner designates in writing to the Compliance Official the name, address and phone no. of his resident agent (one who does reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott or Washington; or Wisconsin counties: Polk, St. Croix and Pierce) who is responsible for maintenance and upkeep and who is empowered to receive service of notice of violation of the provisions of the City Ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The Compliance Official shall be notified in writing of any change of resident agent.

§508.040 APPLICATION AND INSPECTION. Upon receipt of a properly executed application for a rental housing license, an inspection shall be made of the premises every two years to ensure that the property is in compliance with all applicable ordinances of the City.

Subd. 1. Prior to conducting an inspection, the Compliance Official shall mail notification to the owner or agent at least 10 working days prior to the proposed inspection date. It shall be the responsibility of the applicant to inform tenants of the scheduled inspections.

Subd. 2. The number of units to be inspected by the Compliance Official shall be determined by the following:

<u>No. of units within a building</u>	<u>Units to be inspected per building</u>
3 - 5	All
6 - 30	5 units or 25% of the units, whichever is greater
31 - 60	25% of the units
61 +	15 units

§508.050 CONFORMANCE TO LAWS. No operating license shall be issued or renewed unless the rental dwelling and its premises conform to all applicable City ordinances and laws and regulations of the State of Minnesota including the International Fire Code.

§508.060 INSPECTION CONDITION. No operating license shall be issued or renewed unless the owner of rental units agrees in his application to permit inspections. (Ref. Ord. No. 856, 11/26/91)

§508.070 ISSUANCE OF RENTAL HOUSING LICENSE. If the rental dwelling is in compliance with all applicable ordinances of the City, a license shall be issued to the present owner or his designated agent, which shall state that the property has been inspected and is in compliance. If the City finds that the circumstances of the occupancy following the issuance of the license involve possible Code violations, substandard maintenance or abnormal wear and tear, the City may re-inspect the premises during the licensing period. (Ref. Ord. 1048; 3/11/08)

§508.080 POSTING OF LICENSE. Every licensee of a single-family, two-family, and multiple dwelling shall post the license in the main entry way or other conspicuous location therein.

§508.090 LICENSE TRANSFERABILITY. No operating license shall be transferable to another person or to another rental dwelling without written approval of the Compliance Official. A license issued hereunder is transferable providing that the new owner, partners or corporate officers submit to the Compliance Official within five (5) business days after legally acquiring ownership of the licensed rental dwelling(s), a License Transfer Form (supplied by the City), along with a transfer fee of \$20.00. Failure to submit the license transfer form and the transfer fee may result in the termination of the rental license.

§508.100 OCCUPANCY REGISTER REQUIRED. Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:

- 1) Dwelling unit address.
- 2) Number of bedrooms in dwelling unit.
- 3) Number of adults and children (under 18 years of age) currently occupying the dwelling unit.

Such register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

§508.105 CONDUCT ON LICENSED PREMISES.

- 1) It shall be the responsibility of the licensee to require persons occupying a licensed premises to conduct themselves in such a manner so as not to cause the premises to be disorderly. For purposes of this Section, a premises refers to a rented single family dwelling, duplex or triplex, and is deemed disorderly if any of the following activities occur:

- a. Conduct which would be in violation of laws relating to: sale of alcoholic beverages; gambling; prostitution; sex trafficking; fire arms; controlled substances; possession of stolen property; or disorderly conduct.
 - b. Conduct which would be in violation of City Code provisions relating to: Prohibited Noise (§ 703.070 Subd. 2-8); Responsibility of Owners (§ 502.060); Refuse (§ 1302.030 Subd. 14); Dogs and Animals (§§ 701, 702); Exterior Storage (§ 1303.030 Subd. 15); Weeds (§ 705); or, Discharge of Firearms (§ 703.020);
 - c. Other conduct constituting a nuisance under the City Code or State Statutes, after consultation with the City Attorney.
- 2) The City Building Official or designee shall be responsible for enforcement and administration of this Ordinance.
 - 3) Upon determination by the City Building Official or designee that a licensed premises was used in a disorderly manner, as described in paragraph 1, the City Building Official or designee shall give written notice to the licensee of the violation and direct the licensee to take steps to remedy the violation and prevent further violations.
 - 4) If three separate notices of disorderly use of the licensed premises occur within a twelve month period, the Building Official may forward a recommendation to the City Council to suspend, revoke, or deny renewal of the rental dwelling license. The proceedings following such notice will be carried out in compliance with Section 508.110 of this Chapter.
 - 5) No adverse license actions shall be taken where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. Further, an action to suspend, revoke, deny or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures, which will prevent further instances of disorderly use.
 - 6) A determination by the City Council, after a due process hearing, that the licensed premises have been used in a disorderly manner as described in paragraphs 1) and 4) shall be made upon a fair preponderance of the evidence to support such a determination. In that proceedings under this Section are administrative in nature, it shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of a criminal charge operate as a bar to adverse license action under this Section. A criminal conviction, however, is sufficient to establish such a violation.

- 7) All notices given by the City under this Section shall be sent to the licensee's last known address, or if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.
- 8) Enforcement actions provided in this section shall not be exclusive, and the Building Official may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by this Code or by State Statutes or regulations. (Ref. Ord. No. 16-11-2019)

§508.110 LICENSE SUSPENSION OR REVOCATION. Every operating license issued under the provisions of this ordinance is subject to suspension or revocation by the City Council, should the licensed owner or his duly authorized resident agent fail to operate or maintain the licensed rental dwelling(s) and dwelling units therein consistent with the provisions of all applicable ordinances of the City. Prior to suspension or revocation the licensee or his designated agent shall be notified in writing at least five (5) days prior to the City Council's consideration of such an action. In the event that an operating license is suspended or revoked by the City Council it shall be unlawful for the owner or his duly authorized agent to thereafter permit any new occupancies of vacant, or thereafter vacated rental units, until such time as a valid operating license is restored. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license. The license application will be accompanied by the license fee equal to one hundred and fifty (150) percent of the original license fee.

An operating license may also be suspended or revoked for any of the following reasons:

- 1) The license was procured by misrepresentation of material facts, by fraud, by deceit or by bad faith.
- 2) The applicant or one acting in his behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
- 3) The licensee or applicant has failed to comply with any condition set forth in any other permits granted by the City of White Bear Lake.
- 4) The activities of the licensee in the licensed activity create or have created a serious danger to the public health, safety or welfare.
- 5) The licensed business, or the way in which said business is operated, maintains or permits conditions that injure, annoy, or endanger the safety, health, morals, comfort or repose of any member of the public.

§508.120 POSTED TO PREVENT OCCUPANCY. Whenever any dwelling or dwelling unit has not obtained the required license, or has been denied a license or has had its operating license suspended or revoked or is unfit for human habitation, it shall be posted with a placard by the Compliance Official to prevent further occupancy.

No person, other than the Compliance Official or his/her representative, shall remove or tamper

with any placard used for posting. The Compliance Official will post on the placard the date that
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the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy.

§508.130 REINSPECTION FEES. At the time that a third inspection of a dwelling or dwelling unit is needed, a re-inspection fee will be charged to the owner. The re-inspection fee shall be twenty-five (25) percent of the license fee or Fifty (\$50.00) dollars, whichever is greater, for each re-inspection needed after the initial inspection and the second inspection has been done. No license will be issued until all outstanding re-inspection fees have been paid. If a dwelling or dwelling unit is licensed, the license shall expire twenty (20) days after the licensee or his agent is notified of the re-inspection fees that must be paid to maintain such license in good standing, unless the re-inspection fee is paid prior to the expiration of the twenty (20) day period. (Ref. Ord. 1048, 3/11/08)

§508.140 PENALTIES. Any person violating any of the provisions of this ordinance by doing any act or failing to do any act which constitutes a breach of any section of this ordinance, shall be guilty of a misdemeanor. (Ref. Ord. No. 1051; 10/14/08).

§508.150 LIABILITY. Neither the City nor its employees or agents shall be deemed liable for damages to a third person by reason of this ordinance.

§508.160 SEPARABILITY. Every section, provisions, or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.

(Ref. Ord. No. 856, 11/26/91)

Added 3/19/10