

CHAPTER TEN. HOUSING

PART 1. DISCRIMINATION PROHIBITED

1001.01 DECLARATION OF POLICY

It is hereby declared to be the policy of the City of Pelican Rapids in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, creed, national origin, religion, age, sex, sexual orientation, gender identity, marital status, familial status, status with regard to public assistance, disability, or any other category protected by law, and to that end, to prohibit discrimination in housing by any persons.

1001.02 DEFINITIONS

When used herein:

Subdivision 1. “Real Property”. Includes building, structures, lands, tenements, leaseholds, cooperatives and condominiums.

Subdivision 2. “Discrimination” or “Discriminatory Housing Practice”. Means any difference in treatment based upon race, color, religion, marital status, sex or national origin; or any act that is unlawful under this ordinance.

Subdivision 3. “Person”. Includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

Subdivision 4. “Owner”. Includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

Subdivision 5. “Financial Institution”. Includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

Subdivision 6. “Real Estate Broker” or “Real Estate Salesperson”. Includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby they undertake to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

Subdivision 7. “Housing Accommodation” or “Dwelling”. Means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any purposes set forth in this subdivision.

Subdivision 8. “Mortgage Broker”. Means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Minnesota Statutes.

Subdivision 9. “Open Market”. Means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising that the property is available for sale, purchase, rental or lease.

1001.03 UNLAWFUL PRACTICES

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the City of Pelican Rapids for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

Subdivision 1. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of their race, color, religion, ancestry, national origin, sex or place of birth; or

Subdivision 2. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities of services in connection therewith; or

Subdivision 3. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of their race, color, religion, ancestry, national origin, sex or place of birth; or

Subdivision 4. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of their race, color, religion, marital status, sex or national origin; or

Subdivision 5. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, marital status, sex or national origin; or

Subdivision 6. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a

policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

Subdivision 7. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

Subdivision 8. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence or anticipated presence of persons of any particular race, color, religion, marital status, sex or national origin in the area to be affected by such sale, purchase, rental, or lease will or may result in either:

1. The lowering of property values in the area; or
2. An increase in criminal or antisocial behavior in the area; or
3. A decline in the quality of schools serving the area.

Subdivision 9. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the City of Pelican Rapids for the purpose of including or attempting to induce any such listing or any of the above transactions; or

Subdivision 10. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

Subdivision 11. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or

Subdivision 12. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this ordinance; or to obstruct or prevent any person from complying with the provisions of this ordinance; or any order issued thereunder; or

Subdivision 13. By canvassing, to commit any unlawful practices prohibited by this ordinance; or

Subdivision 14. Otherwise to deny to, or withhold any housing accommodation from a person because of their race, color, religion, marital status, sex or national origin; or

Subdivision 15. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, marital status, sex or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwelling in relation to which such loan or other financial assistance is to be made or given; or

Subdivision 16. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, marital status, sex or national origin.

1001.04 EXEMPTIONS

Part One of Chapter 10 of this City Code, and Part One of Chapter 10 of this City Code only, unless otherwise specifically referred to in the subdivisions of Section 1001.04, shall not apply to:

Subdivision 1. A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such person, unless membership in such a religion is restricted on account of race, color, marital status, sex or national origin.

Subdivision 2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

Subdivision 3. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subdivision shall apply only with respect to one such sale within any twenty-four month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, the sale or rental of any such single-family house shall be excepted from the application of this ordinance only if such house is sold or rented:

1. Without the use in any manner of the sales or rental facilities or the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and
2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United State Code Section 3604(c) or of Section 1001.03 of this ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title.

Subdivision 4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently with each other, if the owner actually maintains and occupies one of such living quarters as their residence.

Subdivision 5. Procedure. Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the City Administration within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The City Administration or their duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the City Administration to forward the complaint and his findings to appropriate state and federal officials.

Subdivision 6. Other Remedies. Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

Subdivision 7. Penalties. Any person violating any provision of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor.

Subdivision 8. Severability of Invalid Provisions. In case any one or more of the sections, subsections, subdivisions, clauses, or provisions of this ordinance, or the application of such section, subsections, clauses or provisions to any situation, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this ordinance or the application of such sections, subsections, subdivisions, clauses or provisions to any other situation, circumstance or person, and it is intended that this ordinance shall be constructed and applied as if such section, subdivision or provision so held unconstitutional or invalid had not been included in this ordinance.

PART 2. RENTAL HOUSING

1002.01 FINDING

It is hereby found that there exists and may in the future exist, within the City of Pelican Rapids, Minnesota, residential rental premises, dwellings, dwelling units, rooming units or parts thereof, and renter-occupied mobile homes which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect, or are likely to affect adversely, the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

1002.02 PURPOSES

It is hereby declared that the purpose of this is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned rental units for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all rental housing units (as defined herein) now in existence or hereafter constructed. It is hereby further declared that the purpose of this is to insure that the quality of rental housing units is adequate for protection of public health, safety, and general welfare, including: establishment of minimum standards for basic equipment and facilities, for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators, and occupants of dwellings; and provision for the administration and enforcement thereof.

1002.03 SCOPE

The provisions of this Ordinance shall apply uniformly to the construction, maintenance, use, and occupancy of all residential rental units and structures, inclusive of rental units in mixed-use structures where applicable, and to all renter-occupied mobile homes, and shall apply uniformly to the alteration, repair, equipment, use, occupancy, and maintenance of all existing residential rental units and structures, inclusive of rental units in mixed-use structures, and to all renter-occupied mobile homes within the jurisdiction of the City of Pelican Rapids, Minnesota, irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. However, the provisions of this Ordinance shall not apply to any county, state, or federally licensed facilities/units.

1002.04 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Accessory Building or Structure shall mean a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

Appropriate Authority shall mean any one or more of the City Administrator, City Clerk, Chief of Police, City inspector or any other person who is appointed by the City and charged with the administration of any aspect of this Ordinance.

Approved shall mean approved by the local or state authority having such administrative authority.

Ashes shall mean the residue from the burning of combustible materials.

Attic shall mean any story situated wholly or partly within the roof, and so designed, arranged, or built as to be used for business, storage, or habitation.

Basement shall mean the lowest story of a building, below the main floor and wholly or partially lower than the surface of the ground.

Building shall mean a fixed construction with walls, foundation, and roof, such as a house, factory, garage, etc.

Bulk Container shall mean any metal garbage rubbish, and/or refuse container having a capacity of two (2) cubic yards or greater, and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading, and/or removal.

Cellar shall mean a room or group of rooms totally below the ground level and usually under a building.

Central Heating System shall mean a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit.

Chimney shall mean a vertical masonry shaft of reinforced concrete, or other approved noncombustible heat resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Dilapidated shall mean no longer adequate for the purpose or use for which it was originally intended.

Dormitory shall mean a building or a group of rooms in a building used for institutional living and sleeping purposed by four (4) or more persons.

Dwelling shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking, and eating; provided that temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction which conform to nationally accepted industry standards and are used or intended for use for living sleeping, cooking, and eating purposes shall be classified as dwellings. Mobile homes are included in this definition.

Dwelling Unit shall mean a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking, and eating purposes.

Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

Egress Window shall mean a window meeting the specifications in UBC Section 1204.

Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

Fair Market Value shall mean a price at which both buyers and sellers are willing to do business.

Family shall mean one or more individuals living together and sharing common living, sleeping, cooking, and eating facilities. (See also Household.)

Flush Water Closet shall mean a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

Grade shall mean the finished ground level adjacent to a required window.

Guest shall mean an individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes, and utility rooms of less than fifty (50) square feet of floor space, foyers, or communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas.

Health Officer shall mean the County Sanitation Officer or an authorized representative who is the legally designated health authority of the County of Otter Tail in which the City of Pelican Rapids is situated.

Heated Water shall mean water heated to a temperature of not less than 120 degrees Fahrenheit at the outlet.

Heating Device shall mean all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

Household shall mean one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities. (See also Family)

Infestation shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

Kitchen shall mean any room used for the storage of foods, preparation of foods, and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

Lead-based Paint shall mean any paint containing more lead than the level established by the U.S. Consumer Safety Commission as being the “safe” level of lead in residential paint and paint products.

Meaning of Certain Words: Whenever the words “dwelling,” “dwelling unit,” “rooming units,” “premises,” “structure,” are used in the Ordinance, they shall be construed as though they were followed by the words “or any part thereof.” Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine, and the feminine the masculine.

Multiple Dwelling shall mean any dwelling containing more than two (2) dwelling units.

Occupant shall mean any individual, over one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.

Operator shall mean any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

Ordinary Summer Conditions shall mean a temperature ten (10) degrees Fahrenheit below the highest recorded temperature in the locality for prior ten (10) year period.

Ordinary Winter Conditions shall mean a temperature 15 degrees Fahrenheit above the lowest recorded temperature in the locality for prior ten (10) year period.

Owner shall mean any person who, along or jointly or severally with others:

- (a) shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, or
- (b) shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall

be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, the same extent as if he were the owner.

Permissible Occupancy shall mean the maximum number of individuals permitted to reside in a dwelling unit, rooming unit, or dormitory.

Person shall mean and include any individual, firm, corporation, association, partnership, cooperative, or governmental agency.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure, or other structure thereon.

Privacy shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

Properly Connected shall mean connected in accordance with all applicable codes and ordinances of this City of Pelican Rapids, Minnesota, as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

Rat Harborage shall mean any conditions or place where rats can live, nest, or seek shelter.

Ratproofing shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing, or other methods, by the use of materials pervious to rat gnawing and other methods approved by the Appropriate Authority.

Refuse shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

Refuse Container shall mean a watertight container that is constructed of metal, or other durable materials impervious to rodents, that is capable of being serviced without creating insanitary conditions, or such other containers as have been approved by the Appropriate Authority. Openings into the container such as covers and doors shall be tight fitting.

Rental Unit shall mean any dwelling, dwelling unit, rooming house, or rooming unit which is leased to another party for more than thirty (30) days and any renter-occupied mobile home.

Rooming House shall mean any dwelling other than a hotel or motel, or that part of any dwelling, containing one (1) or more rooming units, and/or one (1) or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.

Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

Rubbish shall mean nonputrescible solid wastes (excluding ashes) consisting of either:

- (a) combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
- (b) noncombustible wastes such as tin cans, glass, and crockery.

Safety shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

Space Heater shall mean a self-contained, heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area, such as one (1) room or two (2) adjoining rooms.

Supplied shall mean paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

Temporary Housing shall mean any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Toxic Substance shall mean any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

Variance shall mean a difference between that which is required or specified and that which is permitted.

Undefined Words: Words not specifically defined in this Ordinance shall have the common definition set forth in a standard dictionary.

1002.05 MINIMUM STANDARDS

Every rental unit must be maintained in compliance with the applicable provisions of the City Code of the City of Pelican Rapids, the state of Minnesota Nuisance Statutes, state of Minnesota

Building Codes, state of Minnesota Dwelling Maintenance Standards, state of Minnesota Health Code and state of Minnesota Fire Code respectively as now in force and hereafter amended, revised or replaced, and in compliance with all other standards, ordinances, laws and regulations governing use, occupancy, construction and maintenance of property and conduct of persons in or on that property. The city may from time to time adopt by council resolution specific supplemental standards and regulations. Rental unit registration or licensing does not constitute certification of compliance with such codes, standards, ordinances or statutes.

1002.06 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Subdivision 1. No owner or other person shall occupy or let to another person any rental unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state of Minnesota and the city of Pelican Rapids, Minnesota.

Subdivision 2. Every owner of a rental unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

Subdivision 3. Every occupant of a rental unit shall maintain in a clean and sanitary condition that part or those parts of the rental unit and premises thereof that they occupy and control.

Subdivision 4. Every occupant of a rental unit shall store and dispose of all their rubbish in a clean, sanitary, and safe manner.

Subdivision 5. Every occupant of a rental unit shall store and dispose of all their garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, and safe manner. All garbage cans and refuse containers shall be ratproof, insect proof, watertight, structurally strong to withstand handling stress, easily filled, emptied, and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition. Plastic bags may be used as garbage and refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse.

Subdivision 6. The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.

Subdivision 7. Every owner of rental units containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

Subdivision 8. The owner of a rental unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same or are required under the provisions of this Ordinance or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance, or replacement of screens, storm doors, and windows, once installed in

any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

Subdivision 9. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever their dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

Subdivision 10. No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit.

Subdivision 11. No owner of a dwelling containing three (3) or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises.

Subdivision 12. No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.

Subdivision 13. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Subdivision 14. In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 65 degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of 36 inches above the floor level.

Subdivision 15. Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, e.g. lead-based paint, as determined by the Appropriate Authority.

Subdivision 16. No owner or occupant shall apply a lead-based paint to any surface in any dwelling, dwelling unit, rooming house, and/or rooming unit.

1002.07 PLANS OF INSPECTION

Subdivision 1. The City, from time to time, will develop and adopt by council resolution plans for the inspection of rental units that are subject to the provisions of this Ordinance. Whereby each residential rental unit shall be inspected at least once every three years. The City may modify its plan for inspection from time to time by council resolution.

1002.08 INSPECTIONS: POWERS AND DUTIES OF THE APPROPRIATE AUTHORITY

Subdivision 1. The Appropriate Authority shall enforce the provisions of this Ordinance and is hereby authorized and directed to make inspections pursuant to one (1) or more of the plans for inspection authorized by Section 1002.07; or in response to a complaint that an alleged violation of the provisions of this Ordinance or of applicable rules or regulations pursuant thereto may exist; or when the Appropriate Authority has good faith reason to believe that a violation of this Ordinance or any rules and regulations pursuant thereto has been or is occurring.

Subdivision 2. The Appropriate Authority is hereby authorized to enter and inspect between the hours of 8:00 A.M. and 5:00 P.M., all rental units subject to the provisions of this Ordinance for the purpose of determining whether there is compliance with its provisions.

Subdivision 3. The Appropriate Authority is hereby authorized to inspect the premises surrounding rental units and surrounding the buildings in which they are located for the purpose of determining whether there is compliance with Ordinance provisions.

Subdivision 4. The Appropriate Authority and the owner, occupant, or the person in charge of a rental unit subject to this Ordinance may agree to an inspection by appointment at a time other than the hours provided by this Ordinance.

Subdivision 5. The owner, occupant, or other person in charge of a rental unit, upon presentation of proper identification by the Appropriate Authority, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the Appropriate Authority entry and free access to every part of the rental unit or to the premises surrounding any of these.

Subdivision 6. The Appropriate Authority shall keep confidential all information exclusive of the inspection record, which it may discover or obtain in the course of an inspection made pursuant to this section, and such information shall be considered privileged.

Subdivision 7. If any owner, occupant, or other person in charge of a rental unit subject to licensing this Ordinance, fails or refuses to permit free access and entry to the structure or premises under their control, or any part thereof, with respect to which an inspection authorized by this Ordinance is sought to be made, the Appropriate Authority may, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling, or rooming house, petition and obtain such order from a court of competent jurisdiction.

1002.09 LICENSING OF RESIDENTIAL RENTAL UNITS

Subdivision 1. No person shall operate a rental unit unless said person holds a current, unrevoked operating license issued by the Appropriate Authority to said person for said rental unit.

Subdivision 2. Every operating license shall be issued for a period of time in accordance with the plan for the systematic inspection of rental housing units to be developed by the City pursuant to this Ordinance.

Subdivision 3. The City is hereby authorized upon application therefore to issue new operating licenses, and renewals thereof, in the names of applicant owners or operators of rental housing units. No such licenses shall be issued unless the rental housing unit in connection with which the license is sought is found after inspection to meet all applicable requirements of this Ordinance and applicable rules and regulations pursuant thereto.

Subdivision 4. No operating license shall be issued or renewed unless the applicant owner or operator has first made application for such license on an application form provided by the City. The City shall develop such forms and make them available to the public.

Subdivision 5. No operating license shall be issued or renewed unless the applicant owner or operator agrees in the application to such inspection as the City may require to determine whether the rental housing unit in connection with which such license is sought is in compliance with the applicable provisions of this Ordinance and with applicable rules and regulations pursuant thereto.

Subdivision 6. No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee pursuant to the schedule of fees established by the City. The City may from time to time change the schedule of fees by resolution.

Subdivision 7. No operating license shall be issued or renewed for a nonresident applicant, (a property owner living outside Otter Tail County), unless such applicant designates in writing to the City the name of its agent for the receipt of service of notice of violation of the provisions of this Ordinance. Said agent must be an adult resident of Otter Tail County, and the owner must provide the name, address and telephone number of said agent. The owner may change said agent from time to time upon written notice to the City which notice shall provide to the City with the name, address and telephone number of the new agent.

Subdivision 8. No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this Ordinance, when said applicant is absent from this county of Otter Tail, Minnesota, for thirty (30) or more days. Such a designation shall be made in writing, and shall accompany each application form.

The application may designate any person residing in Otter Tail County as the agent for this purpose, said designation to be made in writing to the City, and shall include the name, address and telephone number of such person, who must be an adult resident of Otter Tail County.

Subdivision 9. The City shall mail license renewal applications to the property owner or the designated agent on or before April 1 of the year in which the license expires. Failure to receive a license renewal application from the City shall not excuse the owner from meeting the licensing requirements. To allow time for inspection prior to renewal, the deadline for license

renewal applications shall be May 31 of the year in which the license expires. Each license shall be issued for a period of one year, August 1 to July 31. If a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the license year. Renewal of licenses will not occur unless the renewal fee has been paid and the property has been inspected and found to be in compliance by the enforcement officer. In the sole discretion of the City, the expiration date of the license that is expiring may be extended to allow time for inspection prior to issuance of the new license, but only if the renewal fee has been paid.

Subdivision 10. Each license shall be displayed in a conspicuous place within the building of the rental housing units. Any license for a particular property shall be transferable to another person, provided that the person holding the operating license must give notice in writing to the City within fifteen (15) working days after having transferred or otherwise disposed of the legal control of the licensed rental housing unit. Such notice shall include the name, address and telephone number of the person or persons succeeding to the ownership or control of such rental housing unit. The City may from time to time by Ordinance establish a transfer fee. Failure to provide proper notification of a transfer of property together with the appropriate transfer fee shall cause the license to expire, requiring the property to be re-registered and a full registration fee to be charged.

1002.10 NOTICE OF VIOLATION

Subdivision 1. Whenever, upon inspection of the licensed rental housing unit, the Appropriate Authority finds that conditions or practices exist which are in violation of the provisions of this Ordinance or of any applicable rules and regulations pursuant thereto, the Appropriate Authority shall serve the owner or operator with notice of such violation in the manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within a reasonable time, the owner may be subject to one or more of the following penalties:

1. Administrative penalty;
2. Suspension, revocation or non-renewal of the operating license;
3. Abatement;
4. Citation for misdemeanor; and
5. Other remedies that may be available to the City.

Subdivision 2. At the end of the time that has been allowed for correction of any violation cited, the Appropriate Authority shall reinspect the rental housing unit and, if the Appropriate Authority determines that such conditions have not been corrected, the Appropriate Authority may choose one or more of the following methods of enforcement:

1. Administrative penalty;
2. Suspension, revocation or non-renewal of the operating license;
3. Abatement;
4. Citation for misdemeanor; and
5. Other remedies that may be available to the City.

1002.11 ADMINISTRATIVE PENALTY

The City Council may from time to time establish by resolution a schedule of offenses and administrative penalties for the violation of various provisions of this Ordinance. Said schedule of offenses and any changes that may be made thereto shall become effective upon publication. Said administrative penalties shall be administered and enforced according to Section 100.06 of the City Code.

1002.12 LICENSE SUSPENSION, REVOCATION OR NON-RENEWAL

Subdivision 1. The Appropriate Authority may suspend, revoke or refuse to renew a license for any of the following reasons:

1. False or misleading information given or provided in connection with the license application or renewal application;
2. Failure to pay any fee herein provided;
3. Failure to correct violations within the time period specified in a notice of violation or the notice of administrative penalty;
4. Failure to pay an administrative penalty; and
5. Failure to allow access for purposes of an inspection by the Appropriate Authority.

Upon correction of the reasons of license suspension, revocation or non-renewal, the property owner or agent may apply for reinstatement of the license, at which time the reinstatement fee shall be paid. The City Council from time to time may set the amount of the reinstatement fee by resolution.

1002.13 ABATEMENT

This Ordinance shall not prevent the City from using abatement for conditions that exist for which abatement is available under other sections of the City Code.

1002.14 FURTHER ACTIONS OR INJUNCTIVE RELIEF

Nothing in this Ordinance shall prevent the City from taking affirmative action under any other provision of the City Code or any state or federal statutes or laws for violations thereof to seek condemnation, abatement, injunctive relief or criminal prosecution for such violations (whether misdemeanor or otherwise) in accordance with the terms and conditions of a particular ordinance, code, statute or regulation under which the City would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this rental housing code. Nothing contained in this rental housing code shall prevent the City from also seeking injunctive relief against a property owner of a designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations have been remedied by the property owner of designated property manager.

1002.15 EMERGENCY ACTION

Whenever the Appropriate Authority finds that an emergency exists which requires immediate action to protect the public health, the Appropriate Authority may, without notice or hearing, issue an order reciting the existence of such an emergency requiring that such action be taken as deemed necessary to meet the emergency and if deemed necessary, closing off all or a portion of a rental dwelling or rental unit until the emergency condition causing the emergency is corrected. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Notice of the emergency action shall be posted at the units or areas of the dwelling or dwelling units affected and shall be served upon the owner or agency as set forth herein. No person shall remove the posted notice other than the Appropriate Authority. Any person to whom such order is directed shall immediately comply therewith, but upon petition to the City shall be afforded a hearing as soon as possible. After such hearing and depending upon whether compliance with the provisions of the Section and of the rules and regulations adopted pursuant hereto is found, the City may continue such order in effect or modify or revoke it.

PART 3. OPT-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593:

1003.01 TEMPORARY FAMILY HEALTH CARE DWELLINGS

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Pelican Rapids opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

PART 4. SHORT-TERM RENTALS

1004.01 PURPOSE

It is hereby declared that the purpose of this ordinance is to establish a licensing procedure to regulate the short-term rental of residential property in the City of Pelican Rapids to protect the health, safety, and welfare both of guests using short-term rentals and of citizens impacted by short-term rentals. This ordinance is adopted to ensure that the short-term rental of dwellings is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood or an influence that fosters deterioration or creates a disincentive to reinvest in the community. The operation of a short-term rental property is a business enterprise that entails responsibilities required of the owner, the local property manager, and guests.

1004.02 OBJECTIVES

Subdivision 1. To establish a licensing procedure for short-term rentals in the City of Pelican Rapids.

Subdivision 2. To provide local governance to promote the health, safety, and welfare of local residents and patrons of short-term rentals.

Subdivision 3. To prevent conditions that may adversely affect citizens and persons utilizing short-term rentals.

Subdivision 4. To provide and enforce standards, design, operation, and maintenance of short-term rentals that will reduce negative impacts to the community.

1004.03 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Bedroom shall mean a part of the inside of a short-term rental that is divided from other areas by walls and a doorway and that has its own floor and ceiling that is furnished primarily as sleeping quarters, containing a bed or furniture that can convert to a bed, and having multiple means of egress.

Dwelling shall mean a building or portion thereof, designated exclusively for residential occupancy, including single-family, two-family, twin home, and townhome dwellings, but not including hotels, motels, or boarding houses.

Guest shall mean any person or persons renting a short-term rental.

Licensee shall mean a person or entity to whom a license for a short-term rental is issued under this chapter.

Local Property Manager shall mean a natural person who is authorized to make decisions about the rental, occupancy, and maintenance of the short-term rental and who is able to be on-site within 60 minutes of notification.

Short-term Rental shall mean a dwelling or part of a dwelling that is used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a thirty (30) day period and that is not a rental unit, bed and breakfast, resort, hotel, motel, or any such location required to be licensed by the Commissioner of Health under Minnesota Statutes, section 157.16.

1004.04 LICENSE REQUIREMENT

Subdivision 1. License Required. No person or entity shall operate or permit the operation of a short-term rental unless they have obtained a valid license from the City of Pelican Rapids, which is in full force and effect. Only a licensee who complies with the requirements of this ordinance shall be entitled to hold a license.

Subdivision 2. License Application and Fee. Any property owner desiring to operate a short-term rental must apply to the City for a short-term rental license on the form provided by the City, as well as pay the required license fee as established in the City's fee schedule and register to pay lodging tax, if applicable. The license application shall require the following information.

- A. Name, physical and mailing address, and 24-hour phone number of the property owner;

- B. Address of the subject property;
- C. Name, physical and mailing address, and 24-hour phone number of the local property manager;
- D. Number of bedrooms and sleeping areas in the short-term rental;
- E. A site plan of the subject property containing the following:
 - 1. Exterior property lines showing lot width, lot depth, and lot area;
 - 2. Location of buildings;
 - 3. Location and number of parking spaces;
 - 4. Location of all fences used for screening; and
 - 5. Adjacent streets with names.
- F. Any licensing requirements by the Minnesota Department of Health under Minnesota Statutes Section 157.16, and compliance with state licensing is required where applicable;
- G. Proof of rental liability insurance;
- H. Proof of registration to pay lodging tax, if applicable; and
- I. Any supplemental information that the City finds reasonably necessary to determine whether to approve a short-term rental license. Any supplemental requests made by the City shall be furnished by the applicant within fifteen (15) days of the request. If the supplemental information is not provided within this timeframe, the City may move forward on approval or denial of the short-term rental license.

Subdivision 3. Processing of License Application.

- A. City Administration will review the application.
- B. The license will be issued if the application meets all the requirements and conditions of this section, including passing the short-term rental inspection. Knowingly making a false statement of fact or knowingly omitting any information that is required in the application shall be grounds for denial of a license.
- C. The City shall not issue more than eight (8) short-term rental licenses. Licenses shall only be issued for dwellings located in the Residential (R-1, R-2, and R-3) Zoning District. Short-term rental licenses may be allowed in a commercial zone but shall be permitted only as special uses after compliance with the proper special use permit procedures.

- D. The City shall not issue more than two (2) short-term rental licenses to the same person or entity.
- E. Licenses shall be issued for a calendar year and expire on July 31st of each year. To renew a short-term rental license, the licensee shall file an application with the City no later than thirty (30) calendar days prior to the short-term rental license expiration date.
- F. Licenses are non-transferable, either to a different person or location. The City shall be notified in writing within five (5) business days of any change of property owner. The new property owner shall be required to re-apply for a short-term rental license within thirty (30) days of assuming ownership. If a new application is not submitted, the City may revoke the existing short-term rental license for the subject property.
- G. The City shall notify the applicant by first class mail if a license application is denied. The applicant shall have the right to appeal the determination to the City Council. Such appeal shall be requested by submitting a written notice of appeal to City Administration within fifteen (15) days after notification is issued. The appeal will be heard by the City Council at its next meeting, at which time the applicant or an attorney representing them, may appear and make a presentation to the City Council. After the hearing, the Council may uphold or reverse the determination based upon the provisions of this chapter and upon the protection of the public health, sanitation, safety or general welfare of the community at large. The City Council shall issue written findings and determination within thirty (30) days of the hearing.

Subdivision 4. Conditions of License. Short-term rentals shall be subject to the conditions identified in this subdivision, as well as Part 2 standards, except where expressly modified in this Part 4. Failure to meet or comply with these conditions shall be grounds for denial or revocation of a short-term rental license.

- A. Compliance Required: The short-term rental shall comply with all applicable Federal, State, and local codes, ordinances, and regulations.
- B. Inspections: The property owner shall allow the premises to be inspected by personnel authorized by the City during normal business hours.
- C. Posting of License: The licensee must post the license and the site plan at the short-term rental in a conspicuous location.
- D. Lodging Tax: If applicable, the licensee must apply for and pay the required lodging tax and provide the City with their State and local sales tax numbers. The licensee must comply with all applicable federal, state, and local tax laws, including, but not limited to, any applicable sales taxes on fees or services provided.
- E. Local Property Manager: Each short-term rental must have a local property manager who is within fifty (50) miles of notification and able to be on-site to respond to any complaints, regardless of the time of day.

- F. Insurance: The licensee shall maintain rental liability insurance and provide evidence of insurance to the City, when requested.
- G. Cooking Facilities: Cooking facilities are not permitted in any guest bedroom.
- H. Garbage and Recycling: Garbage and recycling shall be stored completely enclosed within designated containers. The licensee shall provide sufficient trash storage containers and services to accommodate the demand of the occupants.
- I. Parking: At least two off-street parking spaces are required.
- J. Outdoor Noise: Outdoor amplified sound that can readily be heard by surrounding property owners shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. This ordinance defers to state law and city code, should any part conflict.
- K. Fireworks: The use of fireworks is prohibited on the premises.
- L. Signage: All signage must comply with the City's Zoning Ordinance.
- M. Exterior Appearance: There shall be no change in the exterior appearance of the dwelling, or other visible evidence of the conduct of a short-term rental.
- N. Age Restriction: The main rental contact/person renting from the licensee must be a minimum of twenty-one (21) years of age.
- O. Occupancy Limit: A maximum number of two (2) guests are allowed per bedroom, not counting children under the age of three (3), with a maximum of twelve (12) registered guests per short-term rental. Additional occupancy by the use of recreational vehicles, trailers, tents, or other structures is not permitted. Occupancy limits shall not exceed those otherwise permitted under the City's Zoning Ordinance, should the restrictions be stricter than set forth in this section.
- P. Unregistered Guests: Unregistered guests are allowed on a limited basis and must leave the property by 10:00 p.m. any night of the week.
- Q. Guest Limit: The total number of guests, registered or unregistered, cannot exceed double the occupancy limit for the short-term rental.
- R. Guest Records: The owner shall keep a record of all short-term rental activity for thirty (30) days. The information shall include name, address, phone number, and vehicle license plate information for all guests. Such information shall be provided to the City upon request. Guest records are private data under Minn. Stat. §13.02 and shall only be used when needed for inspection or enforcement purposes.
- S. Guest Disclosure: The licensee shall post within the short-term rental notice of all use restrictions as set forth in this subdivision.

Subdivision 5. Other Requirements

This chapter does not replace any licensing requirement of the Minnesota Department of Health under Minnesota Statutes Section 157.16; compliance with state licensing is required where applicable. The licensee must comply with all applicable federal, state, and local tax laws, including, but not limited to, lodging taxes and any applicable sales taxes on fees or services provided.

1004.05 INSPECTIONS, ACTION

Subdivision 1. Authority. Personnel directed by the City Administrator are hereby authorized to make inspections reasonably necessary for the enforcement of this chapter.

Subdivision 2. Right of Access. All persons authorized herein to inspect shall have the authority to enter, at all reasonable times, any licensed short-term rental for the purpose of enforcing this chapter. Such inspections shall be made at such frequencies as the City Administration deems appropriate and necessary. If any owner, occupant, or other person in charge of a short term rental unit subject to licensing this Ordinance fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this Ordinance is sought to be made, the Appropriate Authority as defined in 1002.04 may, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such short term rental unit, petition and obtain such order from a court of competent jurisdiction.

Subdivision 3. Inspections. The City shall provide reasonable advance notice to the licensee or the local property manager prior to entry into any short-term rental for the purpose of inspection. The licensee of the short-term rental or their representative shall have the right to be present at the inspection. Upon completion of an inspection, the City shall provide a completed copy of the inspection report to the licensee or their designated local property manager.

Subdivision 4. Notice of Violation. Written notice of a violation of this chapter may be given to the licensee by first class mail. Said notice may contain a compliance order stating that compliance with this chapter shall be made immediately, and in that case, the notice shall advise the licensee that the short-term rental may be reinspected in not less than fifteen (15) days.

Subdivision 5. Appeals. A licensee may appeal to the City Council the requirements of any compliance order. Such appeal shall be requested by submitting a written notice of appeal to City Administration within fifteen (15) days of the date of issuance of the compliance order. Enforcement of the compliance order shall be stayed during the appeals process. The appeal will be heard by the City Council at its next meeting, at which time the licensee, local property manager, or an attorney representing them, may appear and make a presentation to the City Council. After the hearing, the Council may uphold, reverse, or modify the requirements of the compliance order based upon the provisions of this chapter and upon the protection of the public health, sanitation, safety or general welfare of the community at large. The City Council shall issue written findings and determination within thirty (30) days of the hearing, which shall include a timeframe for compliance, if applicable.

1004.06 CONDUCT ON LICENSED PREMISES

Subdivision 1. Disorderly Premises. It shall be the responsibility of the licensee to ensure that all guests occupying or visiting the licensed short-term rental and associated property conduct themselves in such a manner as not to cause the premises to be disorderly. For the purposes of this section, a short-term rental is disorderly when a violation of the following statutes, codes, and ordinances occurs on the premises:

- A. Minnesota Statutes, section 609.75 through section 609.76, which prohibits gambling;
- B. Minnesota Statutes, section 609.321 through section 609.324, which prohibits prostitution and acts relating thereto;
- C. Minnesota Statutes, section 152.01 through section 152.028, which prohibits the unlawful sale of possession of controlled substances;
- D. Minnesota Statutes, section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- E. Minnesota Statutes, section 340A.503, which prohibits the underage consumption of alcoholic beverages;
- F. Minnesota Statutes, section 609.595, which prohibits damage to property;
- G. Minnesota Statutes, section 97B.021, Minnesota Statutes, section 97B.045, Minnesota Statutes, section 609.66 through section 609.67, and Minnesota Statutes, section 624.712 through section 624.716, which prohibit the unlawful possession, transportation, sale, or use of a weapon;
- H. Minnesota Statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the other occupants of the licensed premises or other surrounding premises;
- I. Minnesota Statutes, section 624.20 through section 624.21, which prohibits exploding fireworks;
- J. Minnesota State Fire Code, section 302 and Minnesota State Fire Code, section 307.4.2 through section 307.5, which regulates recreational fires; and
- K. Chapter 8, Part 1 of the City Code, which prohibits public nuisances.

Subdivision 2. Violations.

- A. Upon determination by the City that a licensed short-term rental was used in a disorderly manner, the City shall notify the licensee by first class mail of the violation, direct the licensee to take steps to prevent further violations, and issue a fine to the licensee for an

amount determined by the City Council as part of the approved annual city fee schedule. The fine shall be paid within fifteen (15) days after notification is issued. If the licensee fails to pay the fine, the license for the short-term rental may be denied, revoked, suspended, or not renewed by the City Council. The licensee may appeal the violation determination, as provided in subdivision 2D below.

- B. Upon a second violation within twelve (12) months of subdivision 1 of this section involving the same licensed short-term rental, the City shall notify the licensee by first class mail of the violation, require the licensee to submit a written report of the action taken to prevent further violations, and issue a fine to the licensee for an amount determined by the City Council as part of the approved annual city fee schedule. The written report shall be submitted to City Administration within fifteen (15) days of request of the report and shall detail all actions taken by the licensee in response to all notices regarding violations to subdivision 1 of this section within the preceding twelve (12) months. The fine shall be paid within fifteen (15) days after notification is issued. If the licensee fails to comply with the requirements, the license for the short-term rental may be denied, revoked, suspended, or not renewed by the City Council. The licensee may appeal the violation determination, as provided in subdivision 2D below.
- C. If a third or subsequent violation of subdivision 1 of this section occurs at the same licensed short-term rental within twelve (12) months after any two (2) previous violations for which notices were sent to the licensee, the license for the short-term rental may be denied, revoked, suspended, or not renewed by the City Council. The licensee may appeal the violation determination, as provided in subdivision 2D below.
- D. Any licensee aggrieved by a violation of subdivision 1 of this section shall have the right to appeal the determination to the City Council. Such appeal shall be requested by submitting a written notice of appeal to City Administration within fifteen (15) days after notification is issued. During the appeals process, the deadline for any requirements shall be stayed. The appeal will be heard by the City Council at its next meeting occurring at least fifteen (15) days after the filing of the notice of appeal, at which time the licensee, local property manager, or an attorney representing them, may appear and make a presentation to the City Council. After the hearing, the Council may uphold, reverse, or modify the determination based upon the provisions of this chapter and upon the protection of the public health, sanitation, safety or general welfare of the community at large. The City Council shall issue written findings and determination within thirty (30) days of the hearing. If the City Council upholds the original determination, the licensee shall be notified by first class mail of any outstanding requirements and be provided fifteen (15) days from the date of the notification to complete said requirements. The date of notification shall be three (3) days after postmark of the notice. If the licensee fails to comply with the requirements, the license for the short-term rental may be denied, revoked, suspended, or not renewed by the City Council.
- E. The standard of proof to be used in determinations as to conduct constituting violations under subdivision 1 of 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 subdivision 1 of this section, nor shall the fact of dismissal

or acquittal of such a criminal charge operate as a bar to adverse license action. The City shall consider whether the licensee took reasonable steps to prevent violations.

1004.07 ENFORCEMENT; MISDEMEANOR VIOLATION; EFFECT OF REVOCATION

Subdivision 1. 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. The City shall be entitled to recover its costs, disbursements, and attorney fees incurred in obtaining such injunction, as a condition of issuance of the short-term rental license.

Subdivision 2. Nothing contained in this chapter prevents the City from seeking injunctive relief against a property owner, licensee, or local property manager who fails to comply with the terms and conditions of this chapter.

Subdivision 3. Violation of this chapter is a misdemeanor. Each separate day on which a continuing violation occurs is a separate violation.

Subdivision 4. If a short-term rental license is revoked, it shall be unlawful for anyone thereafter to allow any new short-term rental occupancies of the dwelling until such time as a valid short-term rental license is issued by the City. No person who has had a license revoked under this chapter shall be issued a short-term rental license for a period of at least one (1) year from the date of revocation.