

**CHAPTER 7 – BUILDINGS AND BUILDING REGULATIONS**  
**ARTICLE V. RENTAL DWELLING LICENSES**

**Sec. 7-36. Purpose and Scope.**

1. Purpose. It is the purpose of this Article to assure that rental housing in the City of Faribault is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of residential rental properties is a business enterprise that entails certain responsibilities. Rental dwelling owners, agents, and property managers are responsible to take necessary reasonable actions to ensure that the citizens who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary, free from noise, nuisances and annoyances, free from unreasonable fears about safety of persons and property, and free of drugs and crime.
  
2. Scope. This Article applies to all rental dwelling units therein that are rented or leased in whole or in part, including apartment buildings, town houses, single family and multifamily housing, guest and caretaker houses, and condominiums. It also includes any accessory structures of the rental dwellings, such as garages and storage buildings, and appurtenances such as sidewalks, driveways, and retaining walls, which are on the property of the rental dwelling. This Article does not apply to facilities licensed by the Minnesota Department of Health.

**Sec. 7-37. Definitions.**

City. The City of Faribault, Minnesota.

City Council. The City Council of the City of Faribault, Minnesota.

Compliance Official. The City Administrator or the City Administrator's Designee.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Inspector. The person designated by the City Administrator to inspect rental dwellings in the City.

Let. To permit possession or occupancy of a rental dwelling by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

License/Rental License. The license required by and issued pursuant to this Article.

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

Licensed Premises. A licensed rental dwelling and all accessory structures of the rental dwellings, such as garages, storage buildings, and appurtenances such as sidewalks, driveways and retaining walls, which are on the property of the rental dwelling.

Official Order. A written notice stating violation(s) of City Code and corrective action to be taken.

Operate. To let for occupancy or to rent.

Property Manager or Agent. A person authorized by the owner to act on the owner's behalf as to the licensed premises.

Rental Dwelling. Any building containing one or more rental dwelling units.

Rent. To let for occupancy or to let.

Tenant. A person who is occupying a dwelling unit in a rental dwelling under a lease or contract, whether oral or written, that requires the payment of money or exchange of services.

Uniform Housing Code. International Property Maintenance Code adopted by city code Section 7-21.

### **Sec. 7-38. Licensing of Rental Units.**

1. License Required.
  - a. No person shall operate a rental dwelling without first having obtained a license to do so from the City of Faribault. A license will be granted as Type I, Type II, or Type III based on criteria approved by the City Council.

Exceptions:

- 1) An owner whose only rental dwelling is a single-family dwelling homesteaded by a relative is exempted. Compliance of this exemption may require written proof from the county.
  - 2) A residential property owned by a “snowbird” where the property is rented to another person for a period of less than 120 consecutive days while the owner is residing out of the State of Minnesota. The owner must occupy the property during the remainder of the year.
  - 3) Unoccupied dwelling units that have been issued a [**Vacant Building Registration**].
- b. When more than one building containing rental dwelling units exists on one property, a separate license shall be required for each building.
  - c. Licenses shall be issued for a single rental dwelling unit in the case of a freestanding dwelling, a condominium, a townhouse, a dwelling in a cooperative, or a dwelling in a nonresidential structure; for a two-unit rental dwelling; or for an apartment building.
2. License Term. Licenses are issued for a time period according to the license type as indicated in Diagram I. All licenses may be reviewed at any time after the beginning of the license term to determine whether the rental dwelling continues to have the appropriate license type.
  3. License Category Criteria. The Compliance Official will make a License Type recommendation based on the quantity and types of violations, if any, as set forth in this paragraph and in the City’s Rental License Category Criteria Policy. The City Council will consider the Compliance Officer’s recommendation and determine the appropriate License Type.
    - a. Police Incidents. Frequency of police calls is based on the average number of valid police calls per unit. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 7-87 and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson. Calls will not be counted for purposes of determining licensing categories where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b), and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).
    - b. Property Code and Nuisance Violations. Each rental dwelling must comply with all applicable federal, state, and City laws, rules, and regulations, including but not limited to the Uniform Housing Code and the City Code.
  4. New Licenses. Properties legally registered with the City of Faribault at the time of adoption of the license provision will be issued a provisional license until such property is inspected and is issued a license type (Type I or Type II) based on the condition of the property pursuant to the approved category criteria policy. All new licensed rental dwellings will qualify for a Type II License, except

that those properties found operating without a valid rental license from the City or failing to meet City Code requirements or that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this Article within the 2 years prior to the application date will only qualify for a Type I License.

Diagram I

Licensing Category	Licensing Period	Minimum Inspection Frequency	Crime Free Housing Program	Plans
<b>Type I</b>	1 year	Minimum 1 time per year, upon request, or as needed as determined by City.	Phase I and II Required.	Action/Mitigation Plan Required.
<b>Type II</b>	2 years	Minimum 1 time in 2 years, upon request, or as needed as determined by City.	Phase I-Required.	None.
<b>Type III</b>	3 years	Minimum 1 time in 3 years, upon request, or as needed as determined by City.	Phase I-Required.	None.

5. Failure to Meet License Category Requirements. At any time during a license period, if a rental dwelling does not meet the license requirements for the current license type as set forth in this Article, the license may be considered for modification, revocation, nonrenewal and license Type review.
6. License Process and Renewal.
  - a. License renewals shall be filed by the owner or its agent with the City at least 30 days prior to the license expiration. Licenses will expire based on the date issued and the term of the license type. Within 30 days of receipt of a complete application and of the license fee required by this Article, the inspector shall schedule an inspection.
  - b. No application for an initial license shall be granted until the inspector has determined that all life, health safety violations, or application inconsistencies have been corrected. In cases where a weather deferral for repairs has been granted by the inspector, the license may be granted on conditions of the repairs being completed before a specific date in the future.
  - c. Incomplete Applications or Process. If the license application is incomplete, or the applicant does not meet the requirements of this Section within 120 days of the submittal date, the application is canceled.
7. Condition of License. Licensees with 3 or more units must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the City on the licensed premises and any other rental dwelling in the City owned by the licensee at all times. Licensees with less than 3 units must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the City on the licensed premises and any other rental dwelling in the City owned by the licensee prior to issuance or renewal of a rental license. In the event a suit has been commenced under Minnesota Statutes, Section 278.01-278.03, questioning the amount or validity of taxes, the City may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof that remain unpaid for a period exceeding 1 year after becoming due.

**Sec 7-39. License Fees.**

License fees, as set forth by City Council resolution, shall be due 30 days prior to the license expiration date; in the cases of new unlicensed units, license fees shall be due at time of application.

1. License Fees, Delinquent Payments. A delinquency penalty of 15% of the amount of the license fee may be charged to the operators of the dwelling unit. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund of any license fee. Upon revocation or modification of a license, or if the applicant withdraws an application, or in the case of an incomplete application or process, or if an application is canceled, the fee is nonrefundable.
2. Inspection/Re-inspection Fees. Fees for inspections are part of paid license fees. Re-inspection fees will only be charged for subsequent inspections after failure to comply with official orders or when the owner or agent fails to keep a scheduled inspection without prior notice to the inspector. All re-inspection fees are set by City Council resolution. If the re-inspection is being performed as part of the licensing process, fees must be paid prior to the time of license issuance or renewal. If a re-inspection fee of any portion is not paid within 30 days after billing, or within 30 days after any appeal becomes final, the City Council may certify the unpaid cost against the rental dwelling.

#### **Sec 7-40. License Application and Information.**

License application or renewal shall be made by the owner or agent. Application forms are available from the City and must be subsequently filed with the City. Applications must be completed in full. Every licensee shall give notice in writing to the City of Faribault within 10 business days after any change of information on the application or if licensed premises is sold or otherwise conveyed in any way. Depending on the nature of changes, the City may require a new inspection of the licensed premises.

1. Local Agent Required. If the owner does not reside in any of the following Minnesota counties: Blue Earth, Carver, Dakota, Dodge, Faribault, Freeborn, Goodhue, Hennepin, Le Sueur, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sibley, Steele, Wabasha, Waseca, Washington, then the owner must provide the City with a local agent that resides within one of the aforementioned counties and who is responsible for maintenance and operation of the rental dwelling and who is legally constituted and empowered to receive service and orders on behalf of the owner and to institute remedial action to effect such orders. The City of Faribault shall be notified in writing of any change of agent.
2. Responsibility for Acts of Manager, Operator, or Agent. Licensees are responsible for the acts or omissions of their managers, operators, agents, or other authorized representatives.
3. Conformance to Laws. No rental license shall be issued or renewed unless the rental dwelling conforms to all applicable federal, state, and local laws, rules, and regulations.
4. License Inspection Required. No rental license shall be issued or renewed unless the owner agrees in the owner's application to permit inspections pursuant to this Article.
5. Posting of License. Every licensee of a rental dwelling with 4 or more units, shall conspicuously post the current license certificate in the main entryway or other conspicuous location.

#### **Sec 7-41. Occupancy Register Required.**

1. Every licensee shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:
  - a. Dwelling unit address.
  - b. Number of bedrooms in dwelling unit and the maximum number of occupants.
  - c. Legal names and date of birth of adult occupants and number of persons under 18 years of age currently occupying the dwelling units.
  - d. Dates renters occupied and vacated dwelling units.

- e. A chronological list of complaints and requests for repair by dwelling unit occupants related to this Article, and all corrections made in response to such requests and complaints.

Such a Register shall be made available for viewing or copying by the City of Faribault at all reasonable times.

2. Occupancy standards.

- a. Each rental dwelling must comply with the requirements of the City of Faribault Unified Development Ordinance.
- b. The maximum permissible occupancy of a rental dwelling unit is determined as follows:
  - (1) Minimum space. Must meet requirements set forth in Section 404 of the Faribault Uniform Housing Code.
  - (2) Maximum occupancy. The total number of occupants may not exceed two times the number of legal bedrooms plus one.
  - (3) Occupancy of sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room floor space: 70 square feet for one person; 90 square feet for two persons; and the required habitable room floor space is increased at the rate of 50 square feet for each occupant in excess of two. The maximum occupant load of a sleeping room may be increased by one person if all occupants are under the age of two years.

**Sec 7-42. License Modification, Revocation, Denial and Non-Renewal.**

- 1. Applicability. Every license issued under the provisions of this Article is subject to nonrenewal, modification or revocation by the City.
- 2. Unoccupied or Vacated Rental Units. In the event that a license is revoked, or not renewed by the City, it shall be unlawful for the owner or agent to rent the rental dwelling.
- 3. Grounds for License Action. The City may revoke, modify, or decline to renew any license issued under this Article upon any of the following grounds:
  - a. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Article to be given by the applicant or licensee.
  - b. Failure to pay any fee, fine or penalty, special assessments, real estate taxes, or other financial claims due to the City as required by this Article and City Council resolution.
  - c. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in an official order in the time specified in the order.
  - d. Failure to comply with the provisions of an approved mitigation plan or failure to submit a required action plan.
  - e. Failure to qualify for the type of license held or applied for.
  - f. Excessive police calls for service, based on the number and nature of the calls when, after owner notification, the owner fails to submit an appropriate written action plan to reduce the police calls for service.
  - g. Failure to actively pursue the eviction of a tenant or otherwise terminate the lease with a tenant who has violated the provisions of this Article or Crime Free/Drug Free Lease Addendum or has otherwise created a public nuisance in violation of City, State, or applicable laws.



9. New Licenses Prohibited. A person who has a rental license revoked may not receive a rental license for another rental dwelling within the City for a period of 1 year from the date of revocation. The person may continue to operate other currently licensed rental dwellings if maintained in compliance with City Codes and other applicable laws, rules, and regulations.

### **Sec 7-43. Disorderly Conduct Prohibited.**

1. Disorderly Conduct Prohibited. Disorderly conduct is prohibited on all licensed premises. It shall be the responsibility of the licensee to prevent disorderly conduct by tenants and their guests on the licensed premises. For the purposes of this Section, a violation of any of the following statutes or ordinances shall be deemed disorderly conduct:
  - a. Minnesota Statutes, Section 609.75 through Minnesota Statutes, Section 609.76, which prohibit gambling;
  - b. Minnesota Statutes, Section 609.321 through Minnesota Statutes, Section 609.324, which prohibit prostitution and acts relating thereto;
  - c. Minnesota Statutes, Section 152.01 et seq., which prohibits the unlawful sale or possession of controlled substances;
  - d. Minnesota Statutes, Section 340A.401, which prohibit the unlawful sale of alcoholic beverages;
  - e. Minnesota Statutes, Section 340A.503, which prohibit the underage use of alcoholic beverages;
  - f. Faribault City Code of Ordinances, Chapter 17 Faribault which prohibit nuisances;
  - g. Minnesota Statutes, Section 97B.021, Minnesota Statutes, Section 97B.045, Minnesota Statutes, Section 609.66 through Minnesota Statutes, Section 609.67 and Minnesota Statutes, Section 624.712 through Minnesota Statutes, Section 624.716 prohibiting the unlawful possession, transportation, sale or use of a weapon;
  - h. Minnesota Statutes, Section 609.72, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation;
  - i. Minnesota Statutes, Section 609.185 through Minnesota Statutes, Section 609.205, which prohibit murder and manslaughter;
  - j. Minnesota Statutes, Section 609.221 through Minnesota Statutes, Section 609.2231, which prohibit assault;
  - k. Minnesota Statutes, Section 609.342 through Minnesota Statutes, Section 609.3451, which prohibit criminal sexual conduct;
  - l. Minnesota Statutes, Section 609.52, which prohibit theft;
  - m. Minnesota Statutes, Section 609.561 through Minnesota Statutes, Section 609.5632, which prohibit arson;
  - n. Minnesota Statutes, Section 609.582, which prohibit burglary;
  - o. Minnesota Statutes, Section 609.595, which prohibit damage to property;
  - p. Faribault City Code of Ordinances, Chapter 17 against public disturbances;
  - q. Laws relating to contributing to the need for protection or services or delinquency of a minor as defined in Minnesota Statutes, Section 260C et seq.;
  - r. Minnesota Statutes, Section 609.33, relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house;
  - s. Minnesota Statutes, Section 609.50, which prohibits obstructing the legal process;
  - t. Minnesota Statutes, Section 609.713, which prohibits terroristic threats;
  - u. Minnesota Statutes, Section 609.715, which prohibits presence of unlawful assembly;
  - v. Minnesota Statutes, Section 609.71, which prohibits riot;
  - w. Minnesota Statutes, Sections 609.226, 347.52, 347.542, relating to dangerous dogs;
  - x. Minnesota Statutes, Section 609.78, which prohibits interfering with "911" phone calls;
  - y. Minnesota Statutes, Section 243.166 (Predatory Offender Registration);
  - z. Minnesota Statutes, Section 609.229 (Crime committed for benefit of a gang);
  - aa. Minnesota Statutes, Section 609.26, subdivision 1(8) (causing or contributing to a child being a runaway); and
  - bb. Minnesota Statutes, Section 609.903 (Racketeering).

2. Violations, Actions. Upon determination by the compliance official that a licensed premises was used in a disorderly manner, as described in paragraph 1, the City shall take the following actions:
  - a. For a first instance of disorderly use of licensed premise, notice shall be provided to the licensee of the violation directing the licensee to take steps to prevent further violations. The written notice shall specify all violations of this Article, and shall state that the licensee has the right to a hearing. The licensee shall request such a hearing within 10 calendar days of receipt of the notice. The licensee shall notify the tenant or tenants within 5 days of the notice of disorderly conduct violation.
  - b. If a second instance of disorderly use of the licensed premises occurs in a 12 month time period for the same tenancy, the City shall notify the licensee of the violation and require the licensee to submit a written report of the actions taken, and proposed actions to be taken by the licensee to prevent further disorderly use of the licensed premises. The licensee shall submit a written report to the City within 10 calendar days of receipt of the notice of disorderly use of the licensed premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the licensed premises. The written notice shall specify all violations of this Article, and shall state that the licensee has the right to a hearing. The licensee shall request such a hearing within 10 calendar days of receipt of the notice. The licensee shall notify the tenant or tenants within 5 days of the notice of disorderly conduct violation.
  - c. If a third instance of disorderly use of the licensed premises occurs within a 12 month time period from the first disorderly violation for the same tenancy, the rental dwelling license for the licensed premises may be denied, revoked, modified, or not renewed. An action to deny, revoke, modify, or not renew a license under this Article shall be initiated by the City who shall give the licensee written notice of a hearing before the City Council to consider such denial, revocation, modification, or nonrenewal. The written notice shall specify all violations of this Article, and shall state the date, time, place, and purpose of the hearing. The licensee shall notify the tenant or tenants within 5 days of the notice of disorderly conduct violation, and proceed with termination of the tenancy of all tenants occupying the unit. The licensee shall not enter into a new lease with an evicted tenant, or a tenant whose tenancy was terminated pursuant to the requirements herein, for a period of one year after the eviction.
  - d. If the City determines that the licensee has proceeded in good faith to secure termination of the tenancy in accordance with this subsection, but was unsuccessful for reasons beyond the licensee's reasonable control, then the licensee shall not be subject to the penalties.
3. Hearing. The hearing shall be held no less than 12 days and no more than 45 days after giving such notice. Following the hearing, the City may deny, revoke, modify, or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of the Article.
4. Eviction Actions. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 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 they are diligently pursued by the licensee. Further, an action to deny, revoke, modify, or not renew a license based upon violations of this Article 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.
5. Determining Disorderly Conduct. A determination that a licensed premises or any particular dwelling unit has been the location of a disorderly conduct violation shall be made upon a finding



of fact by the City Council to support such a determination. It shall not be necessary that criminal charges be brought in order to support such finding, nor shall the dismissal or acquittal of such a criminal charge operate as a bar to any action under this Section.

6. Notices. All notices given by the City under this Article shall be personally served on the licensee or sent by First Class mail to the licensee's address as provided to the City. If neither method of service effects notice, the City may provide notice to the licensee by posting on a conspicuous place on the licensed premises.
7. Enforcement. Enforcement actions provided in this Article shall not be exclusive, and the City may take any action with respect to a licensee, a tenant, guests, or the licensed premises as is authorized by this Code or state law.
8. No Retaliation. No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. A tenant may not waive and a licensee holder may not require the tenant to waive the tenant's right under law to call for police or emergency assistance. This Section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.
9. Falsely Reporting Violations. No person shall report a violation of this Article or City Ordinance knowing or having reason to know that the report is false with the intent to affect the licensing status or inspection schedule of the licensed premises.
10. Tenant Responsibilities.
  - a. Access to Licensed Premises. When required by Minnesota statutes, each tenant or occupant of a rental dwelling must give the owner, agent, or authorized City official access to any part of such rental dwelling unit at reasonable times for the purpose of inspection, maintenance, repairs, or alterations as are necessary to comply with the provision of this Article.
  - b. Compliance with Regulations. A tenant must comply with applicable City Codes and all applicable local, state, and federal regulations. A tenant is responsible for compliance with all applicable City Code, nuisance, and violations of disorderly conduct as specified in this section that occur in the dwelling unit, including violations committed by household members or guests.

#### **Sec 7-44. Crime Free Housing Program.**

For the purpose of this Article, the Crime Free Housing Program shall refer to the Minnesota Crime Prevention Association's Crime Free Multi Housing Program, unless otherwise indicated or amended by this Section. The phases of the program include, but are not limited to, the conditions set forth below.

1. Phase I. For all license categories, an owner or agent must complete the Phase I training of the Crime Free Housing Program or a similar course approved by the City. Certification as a rental property manager may also satisfy this requirement. Phase I includes the following:
  - a. Attend a certified eight-hour crime-free housing course presented by police, fire, public housing and others.
  - b. Use a written lease including the Crime Free/Drug Free Housing Lease Addendum.
  - c. Check the criminal background of all prospective tenants and, upon request, provide a copy of Third Party Background Check procedures for tenants.
  - d. Actively pursue the eviction of the tenants or termination of the lease with the tenants who violate the terms of the lease and/or the Crime Free/Drug Free Housing Lease Addendum.
2. Phase II. Includes Phase I plus the following:

- a. Complete a Security Assessment and complete the security improvements recommended. This phase will certify that the rental dwelling has met the security requirements for tenant safety.
3. Crime Free/Drug Free Housing Lease Addendum Requirements. All tenant leases, except for state licensed residential facilities, shall contain the Crime Free/Drug Free Housing Lease Addendum. The Crime Free/Drug Free Housing Lease Addendum provisions are in addition to all other terms of the lease and do not limit or replace any other provisions. These lease provisions shall be incorporated into every new and renewed lease for a tenancy. The Lease Addendum shall contain the following "Crime Free/Drug Free " language or language that is contractual and legal equivalent as follows:
  - a. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in illegal activity, including drug-related illegal activity, on or near the said premises. "Drug-related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]) or possession of drug paraphernalia.
  - b. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity, on or near the said premises.
  - c. Resident or members of the household will not permit the dwelling to be used for, or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household.
  - d. Resident or members of the household will not engage in the manufacture, sale, or distribution of illegal drugs at any locations, whether on or near the dwelling unit premises or otherwise.
  - e. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. *A single violation of any of the provisions of this agreement shall be deemed a serious violation and material non-compliance with the lease.*
  - f. Non-exclusive Remedies. The Crime Free/Drug Free provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.
4. Tenant Background Checks. All licensees will conduct criminal background checks on all prospective tenants 18 years and older. The criminal background check must include the following:
  - a. A statewide (Minnesota) criminal history check of all tenants who are 18 years of age or older and persons subsequently residing in the dwelling unit who are 18 years of age or older (collectively referred to in this Section as "tenants") covering at least the last 3 years; the check must be done "in person" or by utilizing the most recent update of the state criminal history files;
  - b. A statewide criminal history check from the tenants' previous state of residence if the tenant is moving directly from the previous state;
  - c. A criminal history check of any tenant in his or her previous states of residence covering the last 3 years if they have not resided in Minnesota for 3 years or longer.
  - d. Licensees will retain criminal history check information for at least 1 year after the date of the check or, if the subject of the check becomes a tenant of the licensed premises, 1 year after the subject of the check has ceased to be a tenant. Such information shall be available for inspection upon request by the City; and

- e. Licensees must have written screening criteria that is provided to the applicant prior to accepting the application or application fee.
5. Crime Free Housing Violations.
- a. Upon determination by the Police Department that a licensed premises or dwelling unit within a licensed premises was used in violation of the Crime Free/Drug Free Lease provisions of this subchapter, the Police Department shall cause notice to be made to the owner, agent, and property manager of the violation. The owner, agent, or property manager shall notify the tenant or tenants within 10 days of the notice of violation of the Crime Free/Drug Free lease language and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed premises with an evicted tenant (or with a tenant whose tenancy was otherwise terminated for violating the Crime Free/Drug Free lease language) for a period of 1 year after the eviction (or termination).
  - b. The provisions of Subsections 4(a) herein do not apply if the determination that the licensed premises have been used in violation of the Crime Free/Drug Free Lease provisions of Subsections 2(a) and 2(b) herein originates from a call from or at the request of one or more of the tenants occupying the licensed premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term "domestic abuse" has the meaning given in Minnesota Statutes, Section 518B.01, subd. 2.
  - c. If the City Administrator determines that the owner or agent has proceeded in good faith to secure termination of the tenancy in accordance with this subsection, but was unsuccessful for reasons beyond the owner or agent's reasonable control, then the owner shall not be subject to the penalties.
6. Crime Free Housing Program Training.
- a. Every owner, agent, or property manager of a rental dwelling must attend the Phase I Crime Free Housing Training program. The City of Faribault will offer information on Phase I Crime Free Housing training locations throughout the state. Each owner, agent, or property manager will be charged a fee to attend the Phase I Crime Free Housing training if attended in the City of Faribault. The owner, agent, or property manager will provide the City with proof of having received such training.
  - b. All existing registered rental dwellings at the time of the adoption of this Ordinance have 4 years from the adoption date to attend and provide proof of Crime Free Housing training. All new rental licenses applied for and issued after the adoption of this Ordinance have 2 years from the day of license issuance to attend and provide proof of Crime Free Housing training. Any licensees moved to Type I License status that has not completed Crime Free Housing training has a year to provide proof of such training from the day the license was transferred to Type I status.
  - c. Licenses may be considered for modification, revocation, nonrenewal or license type review for failure to attend a Phase I Crime Free Housing training and provide proof to the City.

#### **Sec 7-45. Enforcement and Inspections.**

The compliance official administers and enforces the provisions of this Article and is hereby authorized to cause inspections on a scheduled basis for rental dwellings and when reason exists to believe that a violation of this Article has been or is being committed. Inspections shall be conducted during reasonable times, and the compliance official shall present evidence of official capacity to the tenant, owner, or agent at the time of inspection of the rental dwelling. Inspections shall include all

common areas, utility and mechanical rooms, accessory structures, interiors of each dwelling units, exteriors of all structures and exterior property areas.

1. **Inspection Access.** Pursuant to Minnesota Statutes, Section 504B.211, the owner or agent shall notify the tenants of an inspection. Each tenant of a dwelling unit shall give the owner or agent access to any part of such dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this subchapter. If any owner, agent or tenant of a dwelling unit fails or refuses to permit entry to the dwelling unit under its control for an inspection pursuant to this subchapter, the compliance official may seek a court order authorizing such inspection. An owner or agent's failure to notify the tenant of a scheduled inspection by the City does not invalidate the scheduled inspection.
2. **Unfit for Human Habitation.**
  - a. Any rental dwelling or portion thereof that is damaged, decayed, dilapidated, insanitary, unsafe, vermin or rodent infested, or that lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the tenants or of the public may be declared unfit for human habitation. Whenever any rental dwelling or licensed premises has been declared unfit for human habitation, the compliance official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any license previously issued for such rental dwelling units shall be revoked or modified.
  - b. It shall be unlawful for such rental dwelling or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the City. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling.
3. **Hazardous Building Declaration.** In the event that a rental dwelling has been declared unfit for human habitation and the owner or agent has not remedied the defects within a prescribed reasonable time, the rental dwelling may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.
4. **Official Order.** Whenever the City determines that any rental dwelling or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this Article, an official order setting forth the violations of the Article and ordering the owner or agent to correct such violations shall be issued. This official order shall:
  - a. Be in writing.
  - b. Describe the location and nature of the violations of this Article.
  - c. Establish a reasonable time for the correction of such violation and right to appeal.
  - d. Be served upon the owner or agent as the case may require. Such notice shall be deemed to be properly served upon such owner or agent if a copy thereof is:
    - i. Served upon owner or agent personally; or
    - ii. Sent by 1<sup>st</sup> class mail to his/her last known address on file with the City; or
    - iii. Upon failure to effect notice through (i) and (ii) as set out in this section, posted at a conspicuous place in or about the rental dwelling, or portion thereof, that is affected by the notice.Communications with the owner or agent may also be by electronic mail.  
Violations may be cited by the City and prosecuted, and license suspension, revocation or non-renewal may be undertaken by the City whether or not a official order has been issued.
5. **Action Plan.** The City may require an action plan to be completed by the licensee or agent in a designated time frame that indicates the steps taken to correct identified violations and the measures to be taken to ensure ongoing compliance with City Ordinances and all Applicable Codes.

6. **Right of Appeal.** When it is alleged by any person to whom an official order is directed that such compliance order is based upon erroneous interpretation of this Article, such person may appeal the compliance order to the City Council sitting as a board of appeals. Such appeals must be in writing, must specify the ground for the appeal, must be accompanied by a filing fee as set forth per City Council resolution, in cash or cashier's check, and must be filed with the City within 5 business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.
7. **Board of Appeals Decision.** Upon at least 5 business days' notice to the appellant of the time and place for hearing the appeal, and within 30 calendar days after said appeal is filed, the board of appeals shall hold a hearing thereon, receive evidence, and consider any advice and recommendation from the Compliance Officer. The board of appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.
8. **Restrictions on Transfer of Ownership.** It shall be unlawful for the owner of any rental dwelling, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease, or otherwise dispose thereof to another person until the provisions of the compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledging and file a copy of the same with the City within 10 days of receipt. Anyone securing an interest in the rental dwelling, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this Article.
9. **Failure to Correct Official Orders.** Any person who fails to comply with an official order and any person who fails to comply with a modified compliance order within the time set therein, upon conviction thereof shall be guilty of a misdemeanor, punishable in accordance with state law. Nothing in this Article however is deemed to limit other remedies or civil penalties available to the City under this Code or state law. Each day of such failure to comply may constitute a separate punishable offense.
10. **Execution of Compliance Orders.** Upon failure to comply with an official order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may, by resolution, following a hearing upon not less than 10 days' notice to the owner and agent cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.
11. **Alternative Sanctions.** Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the City determines that any rental dwelling, or portion thereof, or the premises surrounding any of these fails to meet the requirements set forth in this Article, the City may request the issuance of a criminal complaint and arrest warrant.
12. **Penalties.** Any person who violates any part of this Article is subject to the penalty provided under Section 7-89(9) of this Code. Nothing in this Article however is deemed to limit other remedies or civil penalties available to the City under this Code or state law. Each day that a violation continues is deemed a separate punishable offense.
13. **Severability.** Every Section, provision, or part of this Ordinance is declared severable from every other Section, provision, or part to the extent that if any Section, provision or part of the Article shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

14. No Warranty by City. By enacting and undertaking to enforce this Article, the City, City Council, its agents, and employees do not warrant or guaranty the safety, fitness or suitability of any rental dwelling in the City. Owners, agents, and tenants of rental dwellings should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.
15. Applicable Laws. Licenses are subject to all of the ordinances of the City and the laws, rules, and regulations of the State of Minnesota and the United States relating to rental dwellings; this Article shall not be construed or interpreted to supersede or limit any other such applicable law.

**Secs. 7-46--7-50. Reserved**