

ORDINANCE No. 685

**CITY OF WAYZATA
CODE OF ORDINANCES**

Subchapter: 150.75

Sections 150.75-150.98

RENTAL DWELLING LICENSES

The City of Wayzata Ordains:

Sec. 150.75. Purpose.

This subchapter may be referred to as the Rental Dwelling License Ordinance. The purpose of this subchapter is to assure that rental housing in the City is decent, safe, and sanitary; that it is so operated and maintained as not to become (i) a nuisance to the surrounding neighborhood, or (ii) an influence that fosters blight and deterioration, or creates a disincentive to reinvestment in the community.

Sec. 150.76. Scope.

This subchapter applies to all rental dwellings and the individual units therein that are rented or leased in whole or in part, including apartment buildings, town homes, single-family and two-family housing, guest and caretaker houses, and condominiums with private entrances. 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 subchapter does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, nursing homes, hotels or motels licensed by the City.

Sec. 150.77. Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Wayzata.

CITY COUNCIL. The City Council of the City of Wayzata.

COMPLIANCE OFFICIAL. The City Manager or the City Manager's designee.

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

LICENSE. The license required by and issued pursuant to this subchapter.

LICENSE HOLDER. An owner holding a license.

LICENSED PREMISES. A licensed rental dwelling and all 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.

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

OPERATE. To charge a rental fee or other form of rent for the use of a unit in a rental dwelling.

OWNER. A person or legal entity that owns a rental dwelling.

RENTAL DWELLING. Any building containing one or more dwelling units.

REVOKE. To take back, in whole or in part, a license issued by the City.

SUBCHAPTER. Sections 150.75-150.97 of the Wayzata City Code.

SUSPEND. To make a license temporarily inoperative, in whole or in part.

TENANT. Any adult person granted temporary use of a dwelling unit or sleeping room pursuant to a lease or other agreement with the owner of the dwelling unit.

UNIT. A part of a rental dwelling that is leased to a tenant.

WAYZATA PROPERTY MAINTENANCE CODE. Sections 803.01-803.02 of Wayzata City Code.

Sec. 150.78. License required.

No rental dwelling may be operated in the City without the owner first obtaining a license.

Sec. 150.79. Application Procedures.

Every application for a license shall be made in writing on forms provided by the City, accompanied by the fee amounts as established in the current fee schedule of the City. The Compliance Official may cause inspection to be made of the rental dwelling that is the subject of the application to determine whether it is in compliance with the Wayzata Property Maintenance Code, other Wayzata City Code sections or the laws of the State of Minnesota. Once the Compliance Official is satisfied that all requirements of this code have been met by the applicant, the license shall be issued.

The application shall be submitted by an owner or operator living or located in the metropolitan Minneapolis/St. Paul area who shall be legally responsible for compliance with this subchapter. Applications shall specify the following:

- (1) Mailing, street and legal address of the rental dwelling.
- (2) Name and address of the owner of the rental dwelling.
- (3) Name and address of any operator or agent actively managing the rental dwelling.
- (4) Name and address of on-site operating manager, if any.

(5) Name and address of the vendee if the rental dwelling is owned or being sold on a contract for deed.

(6) Number and kind of units within the rental dwelling, however classified, including dwelling units, tenement units, or rooming units or other.

(7) Any other information requested by the compliance official to insure compliance under this subchapter.

Sec. 150.80. Provisional licenses.

Rental dwellings required to be licensed which are existing and in operation prior to the effective date of this subchapter may continue to operate with a provisional license. A provisional license will be issued upon receipt of an application and payment of fees. The provisional license shall be valid until (i) a regular license is issued, or (ii) it is determined that license requirements have not been met and the City will not issue a regular license.

Sec. 150.81. Expiration.

Except as otherwise provided, all licenses issued under this Ordinance shall be valid for one calendar year and shall expire on April 1st unless suspended or revoked earlier. All licenses issued for a portion of a calendar year also shall expire on April 1st.

Sec. 150.82. Renewal.

All applications for renewal of an existing license shall be made at least sixty (60) days prior to the expiration of the current license. All such applications shall be submitted to the Compliance Official on forms provided by the City and shall be accompanied by the required fee.

Sec. 150.83. Transferability.

A license is not transferable to another owner or to another rental dwelling. Every license holder must give notice in writing to the compliance official within 72 hours after having legally transferred or otherwise disposed of the legal control of any rental dwelling. The notice must include the name and address of the owner succeeding to the ownership or control of such rental dwelling. A new license shall be applied for by the new owner.

Sec. 150.84. License fees.

License fees and Administrative Penalties shall be in the amount established in current fee schedule adopted by the City Council. License fees shall not be prorated for any portion of the calendar year, nor shall any license fee be refunded in whole or in part. The license fee may be doubled whenever a renewal application is received after it is due.

Sec. 150.85. Posting.

The license shall be conspicuously posted or otherwise available to the tenant, prospective tenant, or Compliance Official upon request.

Sec. 150.86. Maintenance standards.

Every rental dwelling shall conform to the standards of the Wayzata Property Maintenance Code, in addition to any other building or zoning requirements of City code, special permits issued by the City, or the laws of the State of Minnesota.

Sec 150.87. Inspection.

The compliance official may set up a schedule of periodic inspections of rental dwellings to insure compliance with this subchapter. The compliance official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Inspections shall include all common areas, utility and mechanical rooms, garages, exterior of structures and exterior property areas.

Inspection of dwelling units shall take place if the number of complaints or violations warrants such inspection or when requested by a tenant or property owner. Each occupant of a dwelling unit shall give the owner or the owner's 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, owner's 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. Should the owner or owner's agent fail to keep a scheduled inspection without reasonable cause or refuse to permit entry to the dwelling unit, a reinspection fee of will be charged.

There shall be no fee charged for an initial inspection to determine the existence of a Wayzata Property Maintenance Code violation, nor any fee for the first reinspection to determine compliance with an order to correct such violation. A reinspection fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order. The compliance official may waive the reinspection fee in case of an error or other reasonable cause, including extension of time granted for compliance.

Sec. 150.88. Maintenance violations.

(a) A license issued under this subchapter may be suspended or revoked by the City Council if the license holder or its agents, employees, representatives or tenants directly or indirectly operate or maintain the licensed rental dwellings contrary to the provisions of section 150.86.

(b) Upon determining violation(s) of section 150.86, the compliance official shall issue an official order to the license holder. If the license holder fails to comply with the terms of the official order, a written notice shall be sent to the license holder specifying the date for a hearing before the City Council. That date shall not be less than ten days from the date of the written notice.

(c) At such hearing before the City Council, the license holder or its representative may submit and present evidence on its behalf.

(d) After the hearing, the City Council may suspend or revoke the license if it finds a violation of section 150.86 has occurred.

Sec. 150.89. Summary action.

(a) When the condition of the rental dwelling is so detrimental to the public health, safety and general welfare as to constitute imminent danger, fire hazard or other unsafe or dangerous condition, the compliance official shall have the authority to summarily condemn or close off such area of the rental dwelling.

(b) Any person aggrieved by the action of the compliance official under this section may appeal to the City Council immediately, by filing a notice of appeal. The City manager shall schedule a date for a hearing before the City Council and notify the aggrieved person of the date.

(c) The hearing shall be conducted in the same manner as a suspension or revocation hearing under section 150.88.

(d) The summary action taken by the City under this section shall not be changed while the hearing is pending.

Sec. 150.90. Disorderly conduct prohibited.

Disorderly conduct is prohibited on all licensed premises. It shall be the responsibility of the license holder to take appropriate action to prevent disorderly conduct by rental dwelling tenants and their guests on the licensed premises. For the purposes of this subchapter, a violation of any of the following statutes or ordinances shall be deemed disorderly conduct:

(1) Minnesota Statutes §§ 609.75 through 609.76, which prohibit gambling;

(2) Minnesota Statutes §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;

(3) Minnesota Statutes §§ 152.01 through 152.025, and 152.027, subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;

(4) Minnesota Statutes § 340A.401, which prohibit the unlawful sale of alcoholic beverages;

(5) Minnesota Statutes § 340A.503, which prohibit the underage use of alcoholic beverages;

(6) Chapter 97 Wayzata City Code, which prohibit nuisances;

(7) Minnesota Statutes §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and § 930 of Wayzata City code, which prohibit the unlawful possession, transportation, sale or use of a weapon;

(8) Minnesota Statutes § 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;

(9) Minnesota Statutes §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;

(10) Minnesota Statutes §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;

(11) Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;

- (12) Minnesota Statutes §§ 609.52 which prohibit theft;
- (13) Minnesota Statutes §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
- (14) Minnesota Statutes § 609.582 which prohibit burglary;
- (15) Minnesota Statutes § 609.595 which prohibit damage to property; and
- (16) Chapter 133 of Wayzata City code, which prohibits offences against public peace and safety.

Sec. 150.91. Disorderly conduct violations.

(a) Upon determination by the compliance official that a violation of section 150.90 has occurred on licensed premises, the City shall notify the license holder of said licensed premises by certified mail of the violation and direct the license holder to take appropriate action to prevent further violations.

(b) If a second violation of section 150.90 of this subchapter occurs on a licensed premises by the same tenant, a family member, a roommate, or a guest of the tenant occurs within (6) six months of an incident for which the notice in subsection 150.91(a) above was given, the City shall notify the license holder of such licensed premises by certified mail of the violation and shall also require the license holder to submit a written report of the actions taken, and actions proposed to be taken, by the license holder to prevent further violations. This written report shall be submitted to the City within seven days of receipt of the notice (excluding holidays) of further violations.

(c) If a third violation of section 150.90 of this subchapter occurs on licensed premises by the same tenant, a family member, a roommate, or a guest of the tenant occurs within (6) six months after the second of any two previous notices to the license holder of such licensed premises pursuant to this section, the dwelling unit license shall be suspended by the City Council. The initial suspension shall be for up to 60 days. If another violation of section 150.90 of this subchapter occurs on licensed premises by the same tenant, a family member, a roommate, or a guest of the tenant within (6) six months after the end of a suspension period, the City Council may suspend the license for the licensed premises up to 120 days.

(d) In lieu of a suspension under this section, the City Council may impose a fine on the license holder equivalent to the rent associated with the licensed premises for the suspension period.

(e) It shall not be considered a violation of section 150.90 of this subchapter if the tenant associated with the violation is evicted or voluntarily vacates the licensed premises prior to the hearing before the City Council and within two full calendar months after the determination by the compliance official that a violation has occurred and notice of the determination has been sent to the license holder.

Sec. 150.92. Determining disorderly behavior.

A determination that a licensed premises or any particular unit has been the location of a third 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 subchapter.

Sec. 150.93. Multiple suspensions.

If several units in a licensed premises are the basis for a suspension within a 12 month period, the period of suspension or fines specified in section 150.91 may be doubled.

Sec. 150.94. Penalties.

A person who violates the provisions of this subchapter may be charged with a misdemeanor, and upon conviction is subject to a fine and/or imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. The compliance official may affix to the rental dwelling appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling to be vacated or remain vacant until all violations under this subchapter are remedied.

Sec. 150.95. No retaliation.

(a)A license holder may not: (1) bar or limit a tenant's right under state law to call for police or emergency assistance in response to domestic abuse or any other conduct; or (2) impose a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(b)A tenant may not waive and a license holder may not require the tenant to waive the tenant's right under state law to call for police or emergency assistance.

Sec. 150.96. No warranty by City.

By enacting and undertaking to enforce this subchapter, 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 and occupants of rental dwellings should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

Sec. 150.97. Applicable laws.

Licenses shall be subject to all of the ordinances of the City and the laws of the State of Minnesota relating to rental dwellings; this subchapter shall not be construed or interpreted to supersede or limit any other such applicable law.

Sec. 150.98. Effective Date.

This Ordinance shall be effective upon adoption by the City Council and publication.

Adopted by the City Council of Wayzata, Minnesota this 27TH day of MAY, 2008



Andrew Humphrey, Mayor

Attest:



Allan Orsen, City Manager

First Reading: May 6, 2008

Second Reading: May 27, 2008

Date of Publication: June 4, 2008

Effective Date of Ordinance: June 4, 2008