



## Ordinance 21 - \_\_\_\_

### **An Ordinance Amending Portions of Chapter 30, Article III, Residential Rental Property Standards Land Development Regulations of the City of Elk River, Minnesota, City Code**

The City Council of the City of Elk River does hereby ordain as follows:

**SECTION 1.** That ~~Chapter 30, Article III, governing Residential Rental Property Standards, § 30-151 through 30-2012 governing, Residential Rental Property Standards,~~ of the City of Elk River Code of Ordinances shall be amended to read as follows:

#### ARTICLE III. - RESIDENTIAL RENTAL PROPERTY STANDARDS<sup>[5]</sup>

Sec. 30-151. - Purpose and intent.

(a) *Purpose.* The purpose of these procedures is to ensure a safe and healthy environment for all occupants of rental properties, and those residing near such units are able to pursue the quiet enjoyment of the normal activities of life in surroundings that are:

- (1) Safe, secure, and sanitary.
- (2) Properly maintained and cared for.
- ~~(3)~~ Free from crimes and criminal activity, noise, nuisances, or annoyances; and
- ~~(4)~~ Free from reasonable fears regarding the safety of persons and security of property.

Further, it is the intent of this article to regulate the operations of residential rental properties and provide for the safety of all rental occupants and owners. This will be accomplished through licensing and inspections of rental dwellings to ensure that such housing does not become a hazard or nuisance to the neighborhood and does not create an impediment to the prosperity of the community.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-152. - Scope of article.

~~(a) (a)~~ *Generally.* The provisions of this article shall apply to all buildings or portions thereof used, or designed, or intended to be used, for residential rental purposes.

~~(b) *Combination apartment house-hotels.* Where any building or portion thereof is used or intended to be used as a combination apartment house hotel, the provisions of this article shall apply to the separate portions as if they were separate buildings.~~

- ~~(c) Rooming houses and lodging houses shall comply with all the requirements of this article for rental dwellings.~~
- ~~(d) Additions, alterations, or repairs. For additions, alterations, or repairs, see the building code.~~
- ~~(e) Relocation of buildings. Buildings or structures moved into or within the city shall comply with the requirements in this code and the building code for new buildings and structures.~~
- (b) *Continuation of existing use.* Rental dwellings in existence at the time of adoption of the ordinance from which this article is derived may have their existing use or occupancy continued if such use or occupancy was legal at the time of adoption of the ordinance from which this article is derived, provided such continued use complies with and is subject to the terms of this article.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-153. - Definitions.

The following definitions, and those contained in section 30-1, will be used in interpreting, and enforcing this article.

*Agent.* A person designated by the owner of a rental dwelling to act on behalf of the owner.

*City.* The City of Elk River, Minnesota.

*Disorderly conduct.* Disorderly conduct shall be as defined by Minn. Stats. § 609.72 (Disorderly Conduct) as amended.

*Major life/safety issues.* Hazardous conditions that, in the judgment of the fire chief or their designee, pose an imminent risk to the life and safety of tenants and other occupants.

*Nuisance call.* Any instance where law enforcement officers are called to a property in response to a valid complaint related to a violation of state or local laws or ordinances.

*Tenant.* Any person, excluding the owner or operator, living in a rental dwelling.

*Valid complaint.* A violation that is visible at the time of inspection or proven by credible, substantial evidence to the satisfaction of the city.

Wherever the terms "dwelling," "dwelling unit," "premises," and "structure," are used in this article, they shall be construed as though they were followed by the words "or any part thereof".

Wherever the designation "Fire Chief" is used in this article, it shall be construed as though it were followed by the words "or their designee".

(Ord. No. 16-12, § 1, 6-6-2016)

DIVISION 1A. - INTERNATIONAL PROPERTY MAINTENANCE CODE. [□](#)

Sec. 30-154. - Property maintenance code.

The current adopted version of the International Property Maintenance Code, three copies of which are on file in the office of the city clerk of the City of Elk River, being marked and designated as the International Property Maintenance Code as published by the International Code Council, Inc., is adopted as the property maintenance code of the city for the purposes of this article relative to the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 30-155 of this division.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-155. - Revisions to the International Property Maintenance Code.

The following sections of the International Property Maintenance Code are hereby revised:

Section 101.1. Insert: City of Elk River

Section 103.5. Insert: The current year fee schedule adopted by the City Council.

Section 302.4. Insert: 6 inches.

Section 304.14. ~~Insect screens to read 'year-round'.~~

Section 602.3. ~~Insert October 15 – April 15.~~

Section 602.4. ~~Insert: October 15 – April 15.~~

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-156. - Conflict between codes.

Where there is any conflict between the provisions of the International Property Maintenance Code and any other applicable code or ordinance enforced by or in the City of Elk River, the more restrictive provisions shall apply.

(Ord. No. 16-12, § 1, 6-6-2016)

Secs. 30-157—30-170. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT<sup>481</sup>

Sec. 30-171. - Authority of fire chief; right of entry.

- (a) The fire chief is hereby authorized and directed to provide for the enforcement of all provisions of this article. The fire chief shall have the power to render interpretations of this article and to adopt procedures as he/she may deem necessary to apply the provisions of this article. Such interpretations and procedures shall be in conformity with the intent and purpose of this article.
- (b) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the fire chief has reasonable cause to believe that there exists in any building or upon any premises subject to this article a condition that constitutes a violation of this Code, including this article, the fire chief, upon notice to the owner or operator, may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the fire chief by this article; provided that if such building or premises is occupied, he/she shall first present proper credentials and request entry, and if the building or premises be

unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. The owner of the premises shall notify tenants of the time and purpose of the inspection. The tenant shall make the premises accessible to the fire chief. If such entry is refused, the fire chief shall have recourse to every remedy provided by law to secure entry. The notice requirements of this section shall not apply if the fire chief has reasonable cause to believe that a violation of the requirements of this article is creating a major life/safety issue which must be addressed without delay.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-172. - Appeals.

When a person to whom a compliance order is directed by the fire chief alleges that such compliance order is based upon an erroneous interpretation of this article or upon a misstatement or mistake of fact, such person may appeal the order as set forth in article VI, division 2, subdivision II of this chapter.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-173. - Inspections.

~~(a) *Generally.* All buildings or structures within the scope of this article, and all construction or work for which a permit is required, shall be subject to inspection by the building official in accordance with and in the manner provided by this article and the building code.~~

~~(b) *Response to complaints.* The fire chief shall respond to valid complaints of violations of this article. A valid complaint may be cause for a complete inspection of a unit or building. If an inspection is to be made, the fire chief shall notify the owner/tenant of the inspection. If there are violations, the fire chief shall notify the owner/tenant to correct the problem which prompted the valid complaint. An owner may request an advisory inspection of a unit.~~

~~(Ord. No. 16-12, § 1, 6-6-2016)~~

~~(a) *Generally.* All buildings or structures within the scope of this article, and all construction or work for which a permit is required, shall be subject to inspection by the Fire Chief in accordance with and in the manner provided by this article and the building code.~~

~~(b) *Frequency.* Upon receipt of a properly executed new application for a rental license and receipt of the appropriate fee, the fire chief shall conduct an initial inspection of the premises to assure compliance with the city code.~~

~~Any rental dwelling will be re-inspected after a renewal application is filed to determine compliance, unless the fire chief may determine that a renewal inspection of a premises may be deferred based on results of previous inspections.~~

~~(c) *Response to complaints.* The fire chief shall respond to valid complaints of violations of this article. A valid complaint may be cause for a complete inspection of a unit or building. If an inspection is to be made, the fire chief shall notify the owner/tenant of the inspection. If there are violations, the fire chief shall notify the owner/tenant to correct the problem which prompted the valid complaint. An owner may request an advisory inspection of a unit.~~

~~(d) *Access for inspections.*~~

- (1) The fire chief shall be authorized to make or cause to be made inspections to determine the condition of rental dwellings and premises to safeguard the health, safety, morals, and welfare of the public.
- (2) The fire chief shall be authorized to enter any rental dwelling or premises at any reasonable time for the purpose of performing his/her duties under this article.
- (3) The owner, operator, or tenant of every rental dwelling and premises, or the person in charge thereof, shall give the fire chief free access to such rental dwelling and premises on which it is located at all reasonable times for the purpose of such inspection, examination, and survey.
- (e) Refusal of access for inspection. If the owner, operator, person in charge, or tenant shall refuse to consent to the inspection, an administrative search warrant may be obtained, unless an emergency exists.
- (g) Subject to tenant's right to privacy. Entry under this section is subject to Minn. Stat. § 504B.211 (Residential Tenant's Right to Privacy) as amended.
- (h) Costs of obtaining warrant. If the city finds it necessary to obtain an administrative search warrant to enter the property for inspection due to the owner, operator, person in charge, or tenant's lack of cooperation, said person or persons may also be charged with all costs of obtaining the warrant, including court costs and attorney's fees.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-174. - Inspection fee.

- (1) Inspection fees under this article shall be as established by resolution. The inspection fee shall apply to all inspections other than the initial license inspection, ~~to follow up for~~ corrections, and one additional inspection if needed to follow up for corrections found upon initial inspection.
- (2) Reinspection fees. Any re-inspections to verify compliance with a previously noted violation will be conducted at no charge if all violations have been remedied. If violations remain; inspections are necessitated by a valid complaint; or subsequent re-inspections are necessitated because of a previous unsatisfactory inspection, a fee, as set by the city council, may be charged.

(Ord. No. 16-12, § 1, 6-6-2016)

Secs. 30-175—30-190. - Reserved.

DIVISION 3. - RENTAL DWELLING LICENSE AND REQUIREMENTS<sup>[9]</sup>

~~No rental dwelling license shall be issued under this article unless the rental dwelling and its premises conform to the ordinances of the city and laws of the state. An inspection of the rental dwelling shall be conducted prior to issuance of an initial rental dwelling license.~~

Sec. 30-191. – License Required.

- (a) License. No person, firm, or corporation shall operate a rental dwelling unit without first having obtained a rental dwelling license ~~to do so~~ from the city as provided for in this article. Each rental dwelling license shall be issued ~~on a three year basis~~ annually-if the landlord or property

manager is in good standing with the city. ~~Landlords or property managers having compliance issues (health and safety concerns, tenant complaints, inferior maintenance, etc.), shall have rental dwelling licenses issued on an annual basis that expire one year after its issuance.~~ Rental dwelling license renewal applications for the following year shall be filed on or before 30 days prior to the expiration of the then current license. Sixty days prior to the expiration of a rental dwelling license, the city shall notify the operator of the upcoming renewal deadline within which to file the rental dwelling license renewal application.

(b) *Exceptions from rental licensing.*

(1) Rental property which is licensed as a nursing home or boarding care home by the State of Minnesota Department of Health shall be exempt from the license required under this article.

(2) State licensed residential facilities.

(3) 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.

(4) A single-family residential property that has been sold on a contract for deed or has been sold as "rent to own". A copy of recorded documentation with the Sherburne County Recorder's office shall be provided to the city.

(5) A single-family residential property that is occupied by the owner and two or fewer tenants where the owner and the tenants share all living space within the dwelling.

(6) Single-family residential property that is owned by a member of the armed services who is on active duty and the property is rented to another person during the time of active duty. The owner must provide the city with a copy of the owner's military orders upon request and must occupy the property when not on active duty as the owner's primary residence.

(7) Residential homestead. Qualifying relatives include parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece of the owner, by blood or marriage.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-192. - Application for license.

~~(a) No rental dwelling license shall be issued under this article unless the rental dwelling and its premises conform to the ordinances of the city and laws of the state. An inspection of the rental dwelling shall be conducted prior to issuance of an initial rental dwelling license.~~ The owner or the owner's agent shall apply for a rental dwelling license on forms provided by the city.

~~(b) Prior to issuance or renewal of a rental dwelling license, the following information shall be submitted:~~

~~(1) Name, address and phone number of the owner.~~

~~(2) Name, address and phone number of the property manager if different from the owner.~~

~~(3) Name, address and phone number of the agent.~~

~~(4) The street address and property identification number of the property.~~

~~(5) Description of the number of units and number of bedrooms in each unit offered for rent.~~

~~(6) An acknowledgement that the owner or agent has received a copy of this article.~~

~~(7) A description of the procedure through which tenant inquiries and complaints are to be processed.~~

~~(8) Certification to the city that there are no delinquent utility fees due upon the parcel of land to which the rental dwelling license application relates.~~

~~(Ord. No. 16-12, § 1, 6-6-2016; Ord. No. 19-22, § 1, 12-2-2019)~~

Sec. 30-193. - Agent required.

Any owner who does not live in the state shall appoint, on the rental dwelling license application, an agent residing within 50 miles of the rental dwelling upon whom the city may serve notices pertaining to the licensed rental dwelling.

Sec. 30-194. – Initial license issuance.

No rental dwelling license shall be issued under this article unless the rental dwelling and its premises conform to the ordinances of the city and laws of the state. An inspection of the rental dwelling shall be conducted prior to issuance of an initial rental dwelling license.

Sec. 30-195. - Fee.

To obtain a rental dwelling license required by the provisions of this division, a person shall pay to the city the fee established by resolution.

Sec. 30-196. - Renewal of license.

— All renewed rental dwelling licenses shall be valid for a period of ~~one one year~~ year to three years

~~(a) depending if the landlord/property manager does not have any outstanding compliance issues and/or tenant complaints. ;~~

(b) All rental dwelling license renewal applications and required fees shall be submitted to the city on an annual basis and prior to the issuance of a renewed rental dwelling license.

(c) Information on the rental dwelling license renewal form must be updated to reflect current conditions.

~~(d) No rental dwelling license shall be renewed under this ordinance unless the rental dwelling and its premises conform to the ordinances of the city and laws of the state. An inspection of the rental dwelling may be conducted prior to issuance of a renewed rental dwelling license.~~



(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-197. - Transfer of license.

A rental dwelling license is nontransferable and shall automatically terminate within 30 days of closing on the sale of the licensed building unless, within 30 days of said closing, the new owner applies for and is granted a rental dwelling license for said building in accordance with this article.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-198 -Reserved. ~~Sec. 30-198. - Inspections of rental dwellings - Generally.~~ Addressed in 30-173.

~~(a) *New licenses.* Upon receipt of a properly executed new application for a rental dwelling license and receipt of the appropriate fee, the fire chief shall conduct an initial inspection of the premises to assure compliance with the city Code.~~

~~(b) *License renewal.* Any rental dwelling may be re-inspected after a renewal application is filed to determine compliance. The fire chief, at his/her discretion, may determine that a renewal inspection of a premises may be deferred based on results of previous inspections, in conjunction with criteria and processes as established by the fire chief and approved by the city administrator. Previous inspections must indicate the premises:~~

~~(1) Has not received notice of city Code violations for property maintenance;~~

~~(2) Meets or exceeds rental compliance criteria; and~~

~~(3) Has not required corrections for major life/safety issues.~~

~~(c) *Additional inspections.* The city may inspect any rental dwelling if it falls within one or more of the following criteria:~~

~~(1) The rental dwelling has been abandoned by the owner or the owner cannot be found;~~

~~(2) Water, gas, or electric services to such rental dwelling has been discontinued as a result of nonpayment for more than 30 continuous days;~~

~~(3) The rental dwelling is on a parcel of land that is on the county's delinquent tax list.~~

~~(4) The city has probable cause to believe that there exists within such rental dwelling one or more violations of the requirements of this article.~~

~~(5) The owner has, within the preceding six months, renewed a rental dwelling license after suspension or revocation.~~

~~(6) The rental dwelling is the subject of a pending notice of the city's intent to suspend or revoke the rental dwelling license.~~

~~(7) A tenant or neighboring property owner files a formal complaint with the city relative to the condition of the rental dwelling or premises.~~

~~(d) *Access for inspections.*~~

~~(1) The fire chief shall be authorized to make or cause to be made inspections to determine the condition of rental dwellings and premises in order to safeguard the health, safety, morals, and welfare of the public.~~

~~(2) The fire chief shall be authorized to enter any rental dwelling or premises at any reasonable time for the purpose of performing his/her duties under this article.~~



- ~~(3) The owner, operator, or tenant of every rental dwelling and premises, or the person in charge thereof, shall give the fire chief free access to such rental dwelling and premises on which it is located at all reasonable times for the purpose of such inspection, examination, and survey.~~
- ~~(c) Refusal of access for inspection. If the owner, operator, person in charge, or tenant shall refuse to consent to the inspection, an administrative search warrant may be obtained:~~
- ~~(1) Where there is probable cause to believe a violation exists within the particular structure;~~  
~~or~~
- ~~(2) Where a determination has been made to conduct periodic inspections of certain areas of the city to assure ongoing compliance with this article relative to major life/safety issues.~~
- ~~(f) Emergency conditions. No administrative search warrant is needed where an emergency condition exists which endangers persons or property, and insufficient time is available to obtain the warrant and protect such endangered persons or property.~~
- ~~(g) Subject to tenant's right to privacy. Entry under this section is subject to Minn. Stats. § 504B.211 (Residential Tenant's Right to Privacy) as amended.~~
- ~~(h) Costs of obtaining warrant. If the city finds it necessary to obtain an administrative search warrant to enter the property for inspection due to the owner, operator, person in charge, or tenant's lack of cooperation, said person or persons may also be charged with all costs of obtaining the warrant, including court costs and attorney's fees.~~

~~(Ord. No. 16-12, § 1, 6-6-2016)~~

Sec. 30-199. - License suspension, revocation, denial, and non-renewal.

- (a) *Process for consideration of license suspension, revocation, denial, or non-renewal.*
- (1) No action will be taken by the city council to revoke, suspend, deny, or not renew a rental dwelling license without a public hearing and written notice of that hearing is sent to the owner and affected tenants a minimum of ten days prior to the hearing.
  - (2) The city council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply.
  - (3) The city council shall issue a decision to revoke, suspend, deny, or not renew a rental dwelling license only upon written findings.
  - (4) Upon a decision to revoke, suspend, deny, or not renew a license, no new application for the same facility will be accepted for a period specified in the city council's written decision, not exceeding one year. Such new applications shall be accompanied by a reinstatement fee as required by this article.
  - (5) The city council may suspend, revoke, deny or not renew a license for part or all of a facility.
  - (6) A written decision to revoke, suspend, deny, or not renew a rental dwelling license or application for part of a facility shall specify the part or parts of the facility to which it applies. Thereafter, and until a rental dwelling license is reissued or reinstated, no rental dwellings becoming vacant in such part or parts of the facility may be re-let or occupied.

- a. Revocation, suspension, denial, or non-renewal of a rental dwelling license shall not excuse the owner from compliance with all terms of this article for as long as any units in the facility are occupied.
- b. Failure to comply with all terms of this article during the term of revocation, suspension, denial, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, denial or non-renewal specified in the city council's written decision.

(b) *Suspension.*

- (1) The city council may suspend a rental dwelling license under the following circumstances:
  - a. Failure to correct deficiencies noted in notices of violation within the time specified in the notice.
  - b. Failure to pay any rental dwelling license, inspection or reinstatement fee required by this article.
  - c. Any other violation of the building code or the property maintenance, zoning, environmental or utility chapters of the city code.
  - d. Any specific provisions of the city ordinances that include suspension as a remedy (i.e., nuisance calls, etc.).
- (2) Additional standards related to suspension of a rental dwelling license:
  - a. A reinstatement fee as established by the city council shall be paid prior to reinstatement of a rental dwelling license that has been suspended.
  - b. In addition to the reinstatement fee, the city may issue a citation for the applicable violations.
  - c. While under suspension, the owner cannot lease the affected unit and/or facility to any tenant.
  - d. The suspension shall be for a period of up to six months unless otherwise regulated by this article.

(c) *Revocation.*

- (1) The city council may revoke a rental dwelling license under the following circumstances:
  - a. When an owner has not complied with reinstatement criteria.
  - b. When it is found that an owner has given false statements on any application or other information or report required by this article to be given by the applicant or owner.
  - c. When it has been determined through an inspection that major life/safety issues exist on the property.
  - d. When the owner or agent has been convicted of a crime related to the type of business licensed and failure to show, by competent evidence, rehabilitation, and present fitness to perform the duties of the business.
  - e. Operating or allowing the rental property to be used in such a manner as to constitute a breach of the peace, a menace to health, safety, and welfare of the public or a

disturbance of the peace or comfort of the residents of the city, upon recommendation by the police chief.

- f. Failure to schedule and/or allow rental or building inspections of the licensed premises, for the purpose of ensuring compliance with rental dwelling license requirements, city code requirements, state building codes, or other applicable state or federal law.
  - g. Real estate or personal property taxes on the business have become delinquent and the owner and the applicant are the same person or entity or have any common ownership where they are a different person or entity.
  - h. Failure to actively pursue the eviction of tenants who have violated the provisions of the crime free lease addendum.
  - i. Any specific provisions of the city ordinances that include revocation as a remedy (i.e. nuisance calls, etc.).
  - j. Other good cause as determined by the city council.
- (2) Additional standards related to revocation of a rental dwelling license:
- a. A reinstatement fee as established by the city council shall be paid prior to reinstatement of a rental dwelling license that has been revoked.
  - b. In addition to the reinstatement fee, the city may issue a citation for the applicable violations.
  - c. While under revocation, the owner cannot extend the lease of an existing tenant and cannot lease the affected unit to a new tenant.
  - d. The revocation shall be for a period of up to one year.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-200. - Display of license, fees.

Rental dwelling licenses issued under this article must be conspicuously posted in a frame with a transparent cover in a public corridor or front entrance of rental dwellings with four or more units. All owners must produce a copy of the rental dwelling license upon demand of a prospective tenant or city official.

- (1) *License fees.*
- a. *Fees established and due date.* Rental dwelling license fees and reinstatement fees shall be set by the city council and shall be due with submission of a new or renewal application.
  - b. *Filing due date and penalty.* If a renewal application is made less than 30 days before the beginning date of the renewal license period applied for, then the fee shall be accompanied by an additional amount equal to 100 percent of such license fee. The additional amount shall be a penalty for a late application. In no case shall there be a lapse in the rental dwelling license period.

~~(2) *Reinspection fees.*~~

~~a. An initial inspection shall be required at the time of application, the cost of which shall be included in the rental dwelling license application fee. Any re-inspections to verify compliance~~

~~with a previously noted violation will be conducted at no charge if all violations have been remedied. If violations remain; inspections are necessitated by a valid complaint; or subsequent re-inspections are necessitated as a result of a previous unsatisfactory inspection, a fee, as set by the city council, may be charged.~~

~~b. The reinspection fee shall be billed directly to the owner. Reinspection fees shall be increased by 50 percent to cover administrative costs if not paid within 30 days after initial billing.~~

~~c. The city administrator, with the recommendation of the fire chief, shall have the authority and discretion to waive re-inspection fees.~~

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-201. - Conversion of a single-family residential property from owner-occupied to rental.

Conversion fee. A one-time fee, in addition to the annual rental dwelling license fee, will be charged for a single-family dwelling or single-family attached dwelling (townhouse) that is converted from owner-occupied to rental property.

Sec. 30-202. - Reserved.

Sec. 30-203. - Trash removal for rental properties.

- (a) Rental properties must have regularly scheduled recycling and trash pick-up.
- (b) If the trash and/or recycling has not been removed within seven days of the normally scheduled pick-up, the trash may be removed by the city under emergency abatement procedures.
- (c) If the lack of trash and/or recycling removal becomes a recurring problem, refuse service will be authorized by the city and will be assessed on the property's utility bill.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-204. - No retaliation.

No owner shall evict, threaten to evict, or take any other punitive action against any tenant who, by reason of good faith, calls city officials related to public safety or property maintenance concerns. This section shall not prohibit the eviction of tenants from a rental dwelling for unlawful conduct of a tenant or invitee for violations of any rules, regulations, or lease terms other than a prohibition against contacting city officials.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-205. - Summary action.

When the conduct of any owner or their agent, representative, employee or tenant or the condition of their rental dwelling is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the city shall have the authority to summarily condemn or post for no occupancy such area of the rental dwelling.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-206. - Severability clause.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article.

(Ord. No. 16-12, § 1, 6-6-2016)

Sec. 30-207. - Violations and penalties.

Any person violating any provision of this article is guilty of a misdemeanor and upon conviction shall be subject to the penalties as set forth in Minnesota Statutes.

(Ord. No. 16-12, § 1, 6-6-2016)

Secs. 30-208—30-290. - Reserved.

~~Strikethroughs~~ to be removed  
Underlines to be added

**SECTION 2.** That this ordinance, amending portions of Chapter 30, Article III, Residential Rental Property Standards, shall take effect upon adoption and the notice of Summary Publication shall be published in the City's official newspaper.

Passed and adopted by the City Council of the City of Elk River this 1<sup>st</sup> day of February, 2021.

---

John J. Dietz, Mayor

ATTEST:

---

Tina Allard, City Clerk