

CHAPTER 7 PROPERTY MAINTENANCE/RENTAL HOUSING

**Article I Property Maintenance
Article II Rental Housing Licensing**

ARTICLE I. PROPERTY MAINTENANCE

Sec. 7-1. The City of Oakdale does hereby adopt, by reference, the year 2012 edition of the International Property Maintenance Code, as hereinafter amended pursuant to this ordinance, as the Property Maintenance Code of the City of Oakdale

Sec. 7-2. That the year 2012 edition of the International Property Maintenance Code adopted by this ordinance is hereby modified by deleting the following sections therefrom: 103.2 and 103.3.

Sec. 7-3. That the year 2012 edition of the International Property Maintenance Code adopted by this ordinance is hereby amended by modifying the following denominated sections thereof to read as hereinafter set forth.

CHAPTER 1

101.1 Title. For the purpose of this article, these regulations shall be known as the Property Maintenance Code of the City of Oakdale, hereinafter referred to as this Code.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code. Nothing in this Code shall be construed to cancel, modify or set aside any of the provisions of chapter 25 of the City of Oakdale Code that regulates zoning.

103.1 Enforcement. Responsibility for enforcement of this Code shall be vested in the city's Building Official's office. The city's Building Official is hereby appointed as the code official for the purposes of this Code and employees acting under his or her direction and control shall be deemed to be deputy code officials.

103.5 Fees. The fees for activities and services performed by the department carrying out its responsibilities under this Code shall be determined by the City Council.

CHAPTER 3

302.4 Weeds. Weeds shall be covered under Oakdale City Code, Chapter 24 – Turf Grass and Vegetation.

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging door shall have a self-closing device in good working condition.

CHAPTER 6

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 31 to maintain a temperature of not less than 68 F (20 C) in all habitable rooms, bathrooms, and toilet rooms.

602.4 Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 68 F (20 C) during the period the spaces are occupied.

CHAPTER 8

800 General References. Whenever this Code refers to the International Building Code, the ICC Electrical Code, the International Fire Code, the International Mechanical Code, or the International Plumbing Code, such references shall be deemed to the comparable applicable Code as adopted by the State of Minnesota. Whenever this Code shall refer to the International Zoning Code, such references shall be deemed to be Chapter 25 of the Oakdale City Code.

Sec. 7-4. That the year 2012 Edition of the International Property Maintenance Code adopted by this Ordinance is hereby amended by adding the following denominated sections thereof that read as follows:

202 Dead Trees and Shrubs. Deciduous or coniferous vegetation containing foliage on less than 50% of the tree shrub.

302.4.1 Turf established. Turf must be established by the use of grass seed or sod on all lots, within sixty (60) days of the issuance of a Certificate of Occupancy, excluding the time between October 1 and May 1. Turf must be established on all existing developed lots by June 1, 1996. Alternate landscape plans, other than turf, shall be approved by city staff prior to installation.

302.10 Commercial and Industrial Property Maintenance. All commercial/industrial properties shall maintain trees, shrubs, landscaping, parking lots, and exterior signage. Dead trees and shrubs are to be replaced within four (4) months of notice.

302.11 Composting. All yard waste collected or concentrated by any individual shall be disposed at a licensed compost site or on site providing the following regulations are complied with:

1. Location of Compost. The compost shall be located in the rear yard of the property, be at least five (5) feet from lot lines, outside any drainage easement, and be placed no closer than fifty (50) feet to any adjacent habitable building, other than the resident's own home.
2. Prohibited Ingredients. None of the following materials shall be placed on the property for composting: meat, bones, fat oils, dairy products, whole branches or logs, plastics, synthetic fibers, human or pet wastes, or diseased plants.
3. Proper Maintenance Required. Compost shall be properly managed to minimize odor generation and promote effective decomposition of the material. The operation of composting in a manner that results in objectionable odors and/or the placing of prohibited materials for composting to create a health hazard is considered a public nuisance. (Ord. 797, 3/10/15).

ARTICLE II. RENTAL HOUSING LICENSING

Sec. 7-5. Purpose. The purpose of this section is to ensure that all rental properties are operated in an orderly manner so as to protect the health, safety and welfare of the public. The provisions of this section shall apply to all rental properties and shall constitute the minimum requirements and standards for rental properties for light, ventilation, space, heating, sanitation, protection from the elements, and life safety from fire and other hazards.

The operation of residential rental properties is a business enterprise that entails certain responsibilities to its tenants and the City of Oakdale. Owners are responsible to preserve the value of land and buildings throughout the city. Furthermore, all Oakdale citizens should be allowed to pursue a quality of life without fear of safety for persons or property.

Sec. 7-5.1. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- **Administrative Law Judge.** A person designated by City Council to preside over matters related to license revocation, suspension, denial or non-renewal.
- **City.** The City of Oakdale, Minnesota.
- **City Building Official.** The City of Oakdale Building Official is hereby appointed as the code official for the purpose of this Code and employees acting under his or her direction and control shall be deemed to be deputy code officials for purposes of this City Code Chapter and Article.
- **City Council.** The City Council of the City of Oakdale, Minnesota.
- **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.
- **Let For Occupancy.** To permit, provide or offer possession or occupancy of a dwelling unit, building, premises or structure, whether for a fee or not, by a person who is not the legal owner of the property, pursuant to the terms of a written or unwritten lease.
- **Multiple Dwelling Unit Residential Building.** A building with any dwelling let for occupancy joined to another dwelling let for occupancy at one or more sides by a party wall or walls, including apartments, townhomes, twin homes, duplexes or quad homes.
- **Rental Dwelling.** An apartment or general housing unit let for occupancy.
- **Licensee.** An owner that lets for occupancy a rental dwelling or at least one dwelling unit and is required to be licensed under this chapter.
- **Manager or Agent.** Any person who is in charge, care or control of a rental dwelling or rental dwelling unit.

- **Occupant or Tenant.** Any person occupying, living, sleeping or having possession of a space with any dwelling unit or rental dwelling who that has been let for occupancy.
- **Owner.** A person, individual, corporation, firm, association, company, partnership, organization or any other group acting as a unit holding title to a dwelling unit or rental dwelling or otherwise having control of the dwelling unit or rental dwelling, as recorded in the official state, county or city records.
- **Qualifying relative.** An owner’s parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood, adoption, or marriage. (Ord. 901, 12/13/22)

Sec. 7-6. Licensing of Rental Units.

1. **License Required.** No person shall let for occupancy a rental dwelling within the City of Oakdale without first having obtained a license to do so from the City of Oakdale as hereinafter provided. Rental housing licenses shall be issued only by the City of Oakdale Building Official, and shall be issued as either a regular or as a provisional license, consistent with definitions as provided in Article II.

Rental renewal application and fee are to be returned within 30 days after receipt of rental application form. After receipt of a properly completed application and license fee as required under section 7-7 of this Article, the City Building Official shall schedule an inspection. Property owner or designated manager is required to meet inspector for all initial property inspections.

Rental units shall include homestead properties where the homestead owner does not occupy the dwelling unit. If found to be renting or causing to rent a dwelling, dwelling unit, housekeeping unit, rooming unit or rental unit without a proper license, an investigative fee as established by resolution shall be paid by the owner whether or not the dwelling, dwelling unit, housekeeping unit, rooming unit or rental unit is subsequently licensed.

2. **License term.** All licenses issued under this section shall expire December 31 of each year. Provisional licenses shall be issued for a period of 6 months. All provisional licenses shall be reviewed within 6 months of the date of issue to determine compliance with the requirements of this section.
3. **Condition of License.** Prior to issuance of a license and at all times during the term of such license, the license holder must remain current on the payment of all utility fees, taxes, and assessments due to the City on all licensed property within the City owned by the license holder. 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 Council may, on application, waive strict compliance with this provision: no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) tax year after becoming due.
4. **Exceptions:**
 - a. These rental licensing requirements do not apply to a dwelling unit or rental dwelling that

- is occupied by the owner or the owner's qualifying relatives.
- b. These rental licensing requirements do not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, group homes, nursing homes, hotels, motels, or cooperatives.
 - c. These rental licensing requirements do not apply to a facility for which a reasonable accommodation has been granted by the city under the Federal Fair Housing Amendments Act of 1988. (Ord. 901, 12/13/22)

Sec. 7-7. License Fees. All fees involving rental license shall be established by resolution of City Council. In the case of new unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy.

Annual renewal fees are subject to a \$100 penalty fee after January 31 of the new year. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension; however, the licensee shall be entitled to a license fee refund, prorated monthly, upon proof of transfer of legal control or ownership of the rental dwelling unit(s). If an applicant withdraws an application prior to issuance of a license, the fee shall be refunded after deducting the costs of inspection and any other costs and expenses incurred by the City in connection with receiving and processing the application. (Ord. 805, 10/13/15)

An additional fee, as set by City Council resolution, shall be charged for each re-inspection required to satisfy code compliance after the first re-inspection. The re-inspection fee(s) will be payable prior to scheduling of the re-inspection.

Sec. 7-8. Owner, Manager or Agent to Apply. The owner of the rental units, or the owner's legally constituted agent or manager shall make license applications. Application forms may be acquired from, and subsequently filed with, the City Building Official. The applicant shall supply:

1. First, middle (if any), and last name, address, date of birth, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation, association manager if an association, CEO if a company, manager of any organization or any other group.
2. Name, address, and telephone number of designated resident agent, if any.
3. Name, address and telephone number of vendee, if the dwelling unit is being sold through a contract for deed.
4. Legal address of the dwelling.
5. Number of dwelling units within the rental dwelling.
6. Description of the procedure through which tenant inquiries and complaints are to be processed, along with certification that all present tenants have been notified in writing of the established tenant complaint/inquiry procedure.
7. Payment status concerning all utility fees, property taxes, and other assessments on the involved dwelling and other rental real property in the city owned by the applicant.

Current license holders are required to give notice in writing to the City Building Official within five (5) business days after any material change to the licensing/renewal information previously provided via corresponding application. Notice of transfer of ownership shall be described in section 7-13. (Ord. 901, 12/13/22)

Sec. 7-9. Resident Agent Required. No operating license shall be issued for a nonresident owner of rental dwelling units (one who does not reside within 50 miles of the Rental Dwelling unless such owner designates in writing to the City Building Official the name of the resident agent (one who does reside within 50 miles of the Rental Dwelling who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provision of the City Ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or purpose pursuant to law. The City Building Official shall be notified in writing of any change concerning the identity of a designated resident agent. (Ord. 901, 12/13/22)

Sec. 7-10. Conformance to Laws. Operating license may be revoked unless the rental dwelling and its premises conform to the Ordinances of the City of Oakdale and the laws of the State of Minnesota.

Sec. 7-11. Inspection Condition and Authority.

1. No operating license shall be issued without the property owner's written consent to permit all forms of inspection required pursuant to this section. Specific consent to on-premise inspection is a required element of all initial license applications issued under this article.
2. The City Building Official shall administer and enforce the provisions of this Ordinance and is hereby authorized to order inspections on a scheduled basis for rental dwelling units at least once every three years; or as otherwise may be required when reason exists to believe that a violation of this Ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours, and the City Building Official shall present proper identification and evidence of official capacity to the occupant in charge of a respective dwelling unit.
3. **Exceptions.** A rental inspection is not required for the first 3 years for newly constructed multiple dwelling unit rental buildings following issuance of a Certificate of Occupancy under the provisions of the Minnesota State Building Code. (Ord. 901, 12/13/22)

Sec. 7-12. Posting of License. Every rental licensee shall be conspicuously posted in the main entryway or other conspicuous location within the structure.

Sec. 7-13. License Not Transferable. No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the City Building Official within five business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings.

Sec. 7-14. Occupancy Register Required. Every owner or resident agent of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:

1. Dwelling unit address.
2. Number of bedrooms in the dwelling unit.
3. Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
4. Start and ending dates during which renter(s) named under item #3 above both occupied and vacated the dwelling unit.
5. A chronological list of complaints and requests for repair by dwelling unit and/or occupant.

6. A similar chronological list of all corrections made in response to such complaints and requests.

The register shall be made available for inspection by the City Building Official at all reasonable times.

Sec. 7-15. Administrative Fine, Imposition of License Conditions, License Suspension, Revocation, Denial, and Non-Renewal.

1. Every license issued under the provisions of this Article is subject to administrative fines, imposition of license conditions, suspension and/or revocation by the Building Official.
2. In the event that a license is suspended or revoked by the Building Official, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as the Building Official has restored a valid license.
3. Any person violating this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day of each violation shall constitute a separate punishable offense.
4. The Building Official may impose an administrative fine, impose license conditions, suspend, revoke, or decline to renew any license issued under this Article upon any of the following grounds:
 - a. False statements on any application or other information or report required under this Article to be given by the applicant or licensee.
 - b. Failure to pay any application, penalty, re-inspection or re-instatement fee required by the Article and City Council resolution.
 - c. Failure to correct deficiencies noted on *Rental Housing Correction Notice* in the time specified in that notice.
 - d. Failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.
 - e. Failure to operate or maintain the licensed premises in conformity with all applicable state laws and codes and this Code of Ordinances.
 - f. Any other violation of this Article.
5. Administrative fine, imposition of license conditions, suspension, revocation, or non-renewal may be under either this section or section 7-16, or both. Penalties occurring within a thirty-six (36) month period may increase or decrease in severity due to aggravating or mitigating circumstances, but otherwise will be presumed as follows:
 - a) First violation. Any licensee found to have violated this Chapter shall be charged an administrative penalty of two hundred fifty dollars (\$250).
 - b) Second violation. Any licensee found to have violated this Chapter two (2) times within a thirty-six (36) month period shall be subject to a five hundred dollar (\$500) administrative penalty.
 - c) Third violation. Any licensee found to have violated this Chapter three (3) times within a thirty-six (36) month period shall be subject to a one thousand five hundred dollar (\$1,500) administrative penalty.
 - d) Fourth violation. Any licensee found to have violated this Chapter four (4) times within a thirty-six (36) month period shall have their license revoked.

6. A regular license may be revoked at either the end of a six-month review period, as described in section 7-6.2, or immediately prior to the end of the one year license term upon a finding that the licensed premises are only eligible for a provisional license as provided in section 7-18.
7. A decision to fine, impose license conditions, suspend, revoke, deny or not renew a license shall be preceded by written notice to the applicant or licensee specifying the grounds for such fine, license conditions, suspension, revocation, denial or non-renewal. The applicant or licensee will be given an opportunity for a hearing before the cities Administrative Law Judge before final action to fine, impose license conditions, suspend, revoke, deny or not renew a license. Provided, the applicant or licensee has submitted a written application for appeal within 10 days after the decision, notice or order was served. The Administrative Law Judge 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 and shall issue a decision to fine, impose license conditions, suspend, revoke, deny, or not renew a license only upon written findings. Within 10 days of the Administrative Law Judge's order, the decision may be appealed to the City Council.
8. The Building Official may suspend, revoke, deny or not renew a license for part or the entire rental dwelling facility.
9. Licenses may be suspended for up to ninety (90) days and may, after the period of suspension, be re-instated subject to compliance with this Article and any other conditions imposed by the Building Official at the time of the suspension. Licenses that are revoked will not be re-instated until the owner has re-applied with licensing and displayed compliance with all relevant requirements to the level required under this Article, including all conditions imposed at the time of revocation. Upon a decision to revoke, deny or not renew a license, no new application for the same rental dwelling will be accepted for the period of time specified in the Building Official's written decision, which shall not exceed one year. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an initial application for a new rental dwelling facility will not take the form of a suspension or revocation unless the applicant in connection with the application has made false statements. A decision to deny an initial application shall state the conditions of re-application. All new applications must be accompanied by a re-instatement fee, as specified by City Council resolution, in addition to all other fees required under this Article.
10. A written decision to suspend, revoke, or deny a license or application shall specify the part or parts of the rental dwelling facility to which it applies. Thereafter, and until a license is re-issued or re-instated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Suspension, revocation or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Article during the term of suspension, revocation, or non-renewal is a misdemeanor and grounds for fines, license conditions, extension of the terms of such suspension or revocation or continuation of non-renewal, or for a decision not to re-instate the license, notwithstanding any limitations of the period of suspension, revocation, or non-renewal specified in the City Council's written decision or in paragraph 8 of this Section. (Ord. 901, 12/13/22)

Sec. 7-16. Conduct on Licensed Premises.

1. It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this Section, a premise is deemed *disorderly* at such time that any of the following activities occur:

- a. Violation of Section 19-4, Noise Prohibited.
 - b. Violation of laws relating to the Possession, Manufacture or Distribution of Controlled Substances as defined in Minnesota Statute 152.01.subd. 4.
 - c. Violation of Section 13-2, Property Maintenance and Public Nuisance.
 - d. The Unlawful Sale of Alcoholic Beverages in violation of Minnesota Statute 340A.503.subd.2(1).
 - e. Violation of laws related to Gambling as defined in Minnesota Statute 609.75.
 - f. Violation of laws related to Prostitution as defined in Minnesota Statutes Section 609.321.Subd.9, or Acts Related to Prostitution.
 - g. Unlawful Use or Possession of Dangerous Weapons and Firearms in violation of Minnesota Statutes Section 609.66.subd.1 (a), 609.67 and 624.713, and Section 13-6, Unlawful Discharge.
 - h. Unlawful Use or Possession of Stolen Property in violation of Minnesota Statute 609.53.
 - i. Violation of Section 12-48, Junk and Non-operative Motor Vehicles on Private Property.
 - j. Violation of Section 4-9, Keeping Noisy Dogs.
2. The City Building Official shall be responsible for enforcement and administration of this Ordinance.
 3. Upon determination by the City Building Official that a licensed premises was used in a disorderly manner, as described in paragraph 1, the City Building Official shall give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.
 4. If another instance of *disorderly use* of the licensed premises occurs within 90 days of an incident for which a notice in paragraph 3 was given, the City Building Official shall notify the licensee of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City Building Official within five (5) days of the receipt of the notice of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three (3) months.
 5. If another instance of *disorderly use* of the licensed premises occurs within 90 days of any two previous instances of disorderly use for which notices were given to the licensee pursuant to the section, the rental dwelling license may be suspended, revoked, denied or non-renewed. An action to suspend, revoke, deny or not renew a license under this section shall be initiated by the City Building Official who shall give to the licensee written notice of a hearing before the Administrative Law Judge to consider such suspension, revocation, denial or non-renewal. Such written notice shall specify all violations of this section, and shall state the date, time, place, and purpose of the hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days after giving such notice. Following the hearing, the Building Official may suspend, revoke, deny 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 this section.
 6. No adverse license actions shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless

the licensee diligently pursues them. Further, an action to suspend, revoke, deny or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures, which will prevent further instances of disorderly use.

7. A determination that the licensed premises have been used in a disorderly manner as described in paragraph 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.
8. All notices given by the City under this section shall be personally served on the licensee, sent to the licensee's last known address, or if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.
9. Enforcement actions provided in this section shall not be exclusive, and the Building Official may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by this Code or by state law.

Sec. 7-17. 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. This section shall not prohibit 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 the lawful contact of law enforcement agencies.

Sec. 7-18. Provisional Licenses.

1. Licensed rental dwellings with four (4) or more units that have generated an average of .50 calls or greater per dwelling unit in a preceding one-year period as specified below are eligible only for provisional licenses. Properties with provisional licenses may qualify for a regular license only after a one-year period with fewer than .50 police or fire calls per dwelling unit.
 - a. Police and fire calls that are counted in determining whether a provisional license is required include the following types of calls or events, all of which are hereby declared to constitute a nuisance or other disorderly conduct:
 - (i) Calls or events listed in section 7-16;
 - (ii) Calls or events categorized as part-one crimes in the Uniform Crime Reporting System, including murder, rape, robbery, aggravated assault, burglary, theft, auto theft and arson;
 - (iii) Calls or events categorized by the police department as one of the following:
 - a) Dangerous weapons and firearms, MN statute 609.02.subd.6, 609.66.subd.1 (a), 609.67, and City Ordinance 13-6,
 - b) Noise prohibited, City Ordinance 19-4,
 - c) Gambling, as defined in MN statute 609.75,
 - d) Prostitution, as defined in MN statute 609.321.9,
 - e) Audible vehicle alarms, City Ordinance 18-12,
 - f) Barking dog, dangerous dog, dog at large, and sanitation, City Ordinance 4-6, 4-9, 4-16 and 4-22,
 - g) Controlled substances, MN Statute 152.01.4

- h) Drug paraphernalia, MN statute 152.092,
- i) Disorderly conduct, 609.72
- j) Allowing curfew violations, City Ordinance 13-3,
- k) Allowing underage consumption or possession of alcohol, MN Statute 340A.503,
- l) Disorderly conduct, MN statute 609.72,
- m) Damage to property, MN statute 609.595,
- n) Assault 5th degree, non-domestic violence, MN statute 609.224,
- o) Interference with a police officer or firefighter, MN statute 609.50,
- p) Unlawful assembly, MN statute 609.705,
- q) Presence at an unlawful assembly, MN statute 609.715,
- r) Terroristic threats, MN statute 609.713,
- s) Possession of, or receiving stolen property, MN Statute 609.53

(iv) The City Building Official may determine that multiple incidents shall be counted as a single incident in appropriate cases.

- b. Calls will not be counted for purposes of determining whether a provisional license is required where the victim and suspect are *family or household members* as defined in the Domestic Abuse Act, MN statute, section 518B.01.subd.2(b), and where there is a report of *Domestic Abuse* as defined in the Domestic Abuse Act, MN statute, section 518B.01subd.2(a).
- c. The period of time used to determine whether a provisional license is required is the twelve (12) month period ending two months before the six-month review period described in section 7-16.2.
- d. Upon request, the City will provide by mail to each licensee a monthly report of calls described in paragraph (1)(a) above.

- 2. The applicant for a provisional license must submit for Building Official's review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls described in paragraph (1)(a) to a level that qualifies for a regular license. The mitigation plan may include such steps as: changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct and security personnel.
- 3. The application and the proposed mitigation plan will be presented to the Building Official. After giving the applicant an opportunity to be heard and to present evidence, the Building Official shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Building Official disapproves an application and mitigation plan or approves it with conditions, it shall state its reason for doing so in writing. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Building Official will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire calls.
- 4. The licensee shall comply with the mitigation plan as approved or modified by the Building Official. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Building Official a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Sec. 7-19. Tenant Background Checks. All licensees will conduct criminal background checks on all prospective tenants. The criminal background check must include the following:

1. A statewide (Minnesota) criminal history check of the prospective tenant(s) covering at least the last three years; the check must be done “in person” or by utilizing the most recent update of the state criminal history files;
2. A statewide criminal history check from the prospective tenants’ previous state of residence if the tenant is moving directly from the previous state;
3. A criminal history check of any prospective tenant in their previous states of residence covering the last three years if they have not resided in Minnesota for three years or longer;
4. A criminal history check of any prospective tenant must be conducted in all seven counties in the Twin City metro area covering at least the last three years, including all misdemeanor, gross misdemeanor and felony convictions.
5. Licensees will retain criminal history check information for at least one year after the date of the check or, if the subject of the check becomes a tenant of the licensed premises, one year after the subject of the check has ceased to be a tenant. Such information shall be available for inspection upon demand by the City Building Official during normal business hours.