

**ORDINANCE #2002-01**  
**AN ORDINANCE FOR RENTAL LICENSING**

The City Council of the City of Rockville ordains as follows:

**Section 1.** The former City of Rockville’s Ordinance #67 is amended and replaced in it’s entirety with the following:

**SECTION 1.01 PURPOSE AND INTENT**

**Subd. 1:** **Purpose.**

The purpose of this Ordinance is to protect the public health, safety and welfare of the residents of the City who have, as their place of abode, a dwelling unit, manufactured home, lot or room furnished to them for the payment of rental charges to another.

**Subd.2:** **Intent.**

It is the intent of this Ordinance that a permanent mode of protecting and regulating the living conditions of these residents be established by providing minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of rental property by providing minimum standards for light and ventilation necessary to health and safety, and by providing minimum standards for the maintenance of rental property.

**Subd. 3:** **Savings Clause.**

With respect to rental disputes, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City Government. Neither in enacting this Ordinance is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

**SECTION 1.02 DEFINITIONS**

**Subd. 1:** **“Building”**

Shall mean any structure used or intended for supporting or sheltering any use or occupancy.

**Subd. 2:** **“Dwelling Unit”**

Shall mean one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

**Subd. 3:** **“Housing Inspector”**

Shall mean a designee appointed by the Rockville City Council authorized to administer and enforce this Ordinance.

**Subd. 4:** **“Lot”**

Shall mean an area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.

**Subd. 5:**        **“Manufactured Home”**

Shall mean a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the structure’s plumbing, heating, air conditioning and electrical systems. The term includes any structure which meets all the requirements and with respect to which the manufacturer files a certification required by the secretary and complies with the standards established under this Ordinance and which meets the Manufacturer Home Builders Code as defined in Minnesota Statutes 327.32, subdivision 3, as amended.

**Subd. 6:**        **“Manufactured Home Park”**

Shall mean any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

**Subd. 7:**        **“Maximum Occupancy”**

Shall mean that for each occupant in a dwelling unit 100 square feet of space must be provided.

**Subd. 8:**        **“Occupant”**

Shall mean any person (including the owner or operator) living, sleeping, cooking and eating in a dwelling unit.

**Subd. 9:**        **“Operator”**

Shall mean the owner’s or agent who has charge, care, control or management of a building or manufactured home park or part hereof, in which dwelling units, manufactured homes, lots or rooming units are let.

**Subd. 10:**       **“Owner”**

Shall mean any person who alone or jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling unit, manufactured home, lot, rooming house or sleeping unit within the City.

**Subd. 11:**       **“Person”**

Shall mean any natural person, his/her heirs, executors, administrators or assigns, and also includes a firm, partnership, limited liability company, cooperative or corporation, its or their successors or assigns, or the agent of any of the aforementioned.

**Subd. 12:**        **“Rental Property”**  
Shall mean a dwelling unit, manufactured home, lot, rooming house or sleeping room occupied by a person or persons in the status of tenant.

**Subd. 13:**        **“Rooming House”**  
Shall mean a building or structure providing a room or rooms intended for living and sleeping to persons in the status of tenant. This term shall include boarding houses, day care, fraternity houses and sorority houses, but does not include hotels, motels, or hospitals.

**Subd. 14:**        **“Sleeping Room”**  
Shall mean a room or enclosed floor space in a “rooming house” or “dwelling unit” as defined in this Ordinance, used or intended to be used primarily for sleeping purposes.

**Subd. 15:**        **“Tenant”**  
Shall mean one who has as his/her place of abode a dwelling unit, manufactured home, lot, rooming house, or sleeping room furnished to him/her for payment of a rental charge to another.

### **SECTION 1.03 UNIFORM HOUSING CODE ADOPTED**

**Subd. 1:**        **Uniform Housing Code**  
The Uniform Housing Code, 1997 Edition, as from time to time amended or modified, one copy of which is on file in the Office of the City Clerk, is hereby adopted by reference, so far as it applies to rental property, and is made a part of this Ordinance as if fully set out in length.

### **SECTION 1.04 LICENSE AND FEES**

**Subd. 1:**        **License Required**  
No person shall occupy, allow to be occupied or let to another for occupancy any rental property in the City for which a license has not been properly issued by the Housing Inspector.

**Subd. 2:**        **License Fees:**  
The payment of fees as provided in this Section shall be a prerequisite to the issuance of the required license.

A.        A license fee for each dwelling unit, manufactured home, lot or sleeping room shall be paid to the City biannually on or before January 15 every other year in the amounts established on the attached Fee Schedule.

B.        Rental property which is licensed as a curing home or a boarding house by the State of Minnesota Department of Health pursuant to Minnesota Statutes Chapter 157 shall be exempt from the license fees required under this Section.

C.        If the license fee required hereunder shall be paid after January 15, there shall be imposed fees and penalties as set forth on the attached Fee Schedule.

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**Subd. 3: License Application**

The license application shall be made and filed on a form furnished by the Housing Inspector for such purposes and shall set forth the following information:

- A. Name, residence address and phone number of the owner of the rental property or an agent authorized by the owner to accept service of process and to receive and give receipt for notices. In cases where the owner of the rental property lives outside of the City of Rockville, the license application shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances and such agent shall live within 20 miles of the City of Rockville.
- B. Name, address and phone number of any agent actively managing the rental property.
- C. Street address of the rental property.
- D. Tax parcel number of the rental property or manufactured home park in which the rental property is located.
- E. Number and kind of units within the rental property (dwelling units, manufactured homes, lots or sleeping rooms).
- F. Name, phone number and address of the person authorized to make or order repair and/or service to the building or manufactured home park, to provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact the person so authorized.
- G. Maximum number of people per dwelling unit, manufactured home, lot or sleeping room.

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**Subd. 4: Manner of Application:**

The license application shall be made by the owner if such owner is a natural person; if the owner is a corporation, cooperative or limited liability company, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer thereof, in the office of the Housing Inspector. Notwithstanding, renewal of a license as required biannually by this Ordinance may be made by filling out the required license renewal form furnished by the Housing Inspector to the owner or agent of a rental property and mailing the form together with the required license fee to the Housing Inspector. Such license renewal may only be made where there has not been a change of ownership, agent or type of occupancy as originally licensed.

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**Subd. 5: Bi-Annual Inspection:**

All rental units shall be subject to a bi-annual inspection conducted by the Housing Inspector or his/her authorized representative. Upon satisfactory inspection, the Housing Inspector or his/her authorized representative shall issue a license under this Ordinance for a two year period from the effective date of issuance.

**Subd.** **License Before Occupancy:** All rental property required to be licensed pursuant to the provisions of this Ordinance shall be licensed prior to occupancy or the letting to another for occupancy any dwelling unit, manufactured home or lot therein, and thereafter all licenses of such rental property shall be renewed not later than January 15 of every other year.

**Subd. 7:** **Transfers:**  
Every new owner of a rental property (*whether as fee owner, contract purchaser, lessee subletting the entire building or manufactured home park or otherwise entitled to possession*) shall obtain a license under this Ordinance before taking possession. No license fees shall be required of the new owner in the year of purchase, provided the previous owner has paid the applicable license fees, and further provided the new owner does not change the type of occupancy as originally licensed.

#### **SECTION 1.05 DISPLAY OF LICENSE**

**Subd. 1:** Every licensee of a building or manufactured home park with four (4) or more dwelling units, manufactured homes or lots shall conspicuously display at all times on the premises a copy of the current license as filed with and approved by the City. This license shall be located on the premises so as to be easily viewed and readable by the occupants of the rental property and shall be reasonably protected from wear by a plastic cover or similar protective device

#### **SECTION 1.06 INSPECTION; RIGHT OF ENTRY**

**Subd. 1:** In order to insure compliance with this Ordinance's requirements, the Housing Inspector shall have the authority to enter any building or manufactured home park at reasonable times upon five (5) days' written notice to the landlord and tenant, to determine if the building or manufactured home park is operated as a "rental property" as defined in this Ordinance or to enforce the Uniform Housing Code, or both.

#### **SECTION 1.07 HEALTH DEPARTMENT INSPECTION**

**Subd. 1:** The Stearns County Health Department shall have the right to inspect "rooming houses" and "manufactured homes", as defined in this Ordinance to enforce the sanitation requirements.

#### **SECTION 1.08 APPLICABLE LAWS**

**Subd. 1:** Licensees shall be subject to all of the Ordinances of the City of Rockville and all applicable federal and state laws relating to dwelling units and manufactured home parks; and this Ordinance shall not be construed or interpreted to supersede any other such applicable Ordinance or law.

#### **SECTION 1.09 LICENSE TERMINATION**

**Subd. 1:** **Violation Notice**  
At any time the Housing Inspector shall determine that any licensee subject to this Ordinance has failed to comply with the provisions of this Ordinance, the Housing Inspector shall notify such owner in writing of such violation by U.S. mail or personally.  
If the licensee cannot be found, the notice shall be posted on the rental property.

The notice shall require compliance with the provisions of this Ordinance and specify a reasonable time of not less than thirty (30) days for compliance to be completed.

**Subd. 2:**      **Non Compliance**

In the event compliance has not been completed within the time provided, or a hearing has not been requested by the owner in writing, the Housing Inspector shall recommend to the City and the City Council may terminate the license.

**Subd. 3:**      **Request for Hearing**

In the event that a hearing is requested by the licensee prior to expiration of the time specified for compliance, the City shall set a time for such hearing and shall inform the licensee of the time and place at which the City Council will meet to consider such testimony as may be offered concerning the proposed violation.

**Subd. 4:**      **Decision of the City Council**

On completion of such hearing, the City Council may make a final order suspending or terminating the license and may impose penalties provided by this Ordinance or by law.

**SECTION 1.10 CRIMINAL BACKGROUND CHECKS**

**Subd. 1: Purpose.**

The Rockville City Council has determined that there are persons residing in rental property in Rockville engaging in disorderly conduct which results in a hostile environment for other Rockville citizens living near or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the City's neighborhoods and the public health, safety, and welfare of its citizens by providing a system at the local level for criminal history/background investigation of prospective tenants.

**Subd. 2: Background Investigations.**

The City of Rockville Police Department shall conduct criminal history/background investigations on prospective tenants in rental property in the City of Rockville upon request by the owner or manager of the rental property. "Rental property" means any real property or dwelling rented or leased by one person or entity to another person or entity for residential purposes, including but not limited to houses, apartments, townhouses, condominiums, manufactured or mobile homes or the lots on which they are located, and other similar structures. No such investigation shall be conducted using the state Criminal Justice Data Communications Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the landlord presents an Informed Consent/Waiver form signed by the prospective tenant. The Informed Consent/Waiver form must meet the requirements of Minnesota Statutes Section 13.05, Subd. 4(d). Each request must be on a form approved or provided by the Rockville City Police Department. The applicant shall pay a fee as established by Council resolution or ordinance.

**Subd. 3:** Notwithstanding any finding of the housing inspector for other violations, any rental property having four or more rental units, whose property receives more than one (1) police call per unit within a twelve (12) month period, or receives twenty-four (24) police calls or complaints within a twelve (12) month period, whichever number is less, shall appear before the Rockville City Council, upon notice, to review the continuation of said owner to continue to hold a rental license in the City of Rockville. This criteria is not intended to be an exclusive remedy, but is intended to be a criteria for the property owners continuing to hold a rental license with the City.

**SECTION 1.11 CRIMINAL PENALTIES**

**Subd. 1:** In addition to any other penalties imposed by this Ordinance, any Person, firm, corporation, or partnership who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each violation of this Ordinance shall constitute a separate offense.

**Section 2.** This Ordinance will be effective upon passage and publication.

**ADOPTED:  
09/18/2002  
PUB. Cold Spring Record**

**09/24/2002**

**ATTEST:**

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Julie Zimmerman  
Clerk/Treasurer  
City of Rockville

Roger Schmidt  
Mayor  
City of Rockville

## **RENTAL REGISTRATION FEE SCHEDULE**

<b><u>Fee</u></b>	<b><u>Amount</u></b>
<b>Apartment Inspection Fees (inspection)</b>	<b>\$50.00 per unit with a \$100.00 minimum fee (includes initial inspection &amp; one follow-up)</b>
<b>Additional Inspection Fees</b>	<b>\$50.00 per inspection</b>
<b>Late Fees and Penalties</b>	<b>50% additional fee up to 30 days late</b> <b>100% additional fee for 31-60 days late</b> <b>City Council to determine additional fee for 61 or more days late</b>