

**Ordinance 1030**  
**AN ORDINANCE AMENDING CHAPTER 12 AND CHAPTER 24 OF THE**  
**MAPLEWOOD CITY CODE PERTAINING TO LICENSING OF RENTAL DWELLINGS**  
**AND**  
**REPEAT NUISANCE SERVICE CALLS**

THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. Section 12-600 of the Maplewood City Code is hereby amended as follows:

Sec. 12-600. Purpose.

It is the purpose of this chapter to protect the public health, safety and welfare of the city by adopting a rental dwelling licensing, inspection, and maintenance program that corrects substandard conditions, maintains standards for existing and newly constructed rental dwellings, protects the safety of residents and the community and ensures neighborhood stability in the city. The operation of rental properties is a business enterprise that includes certain responsibilities. Rental dwelling owners and managers are responsible to take such reasonable steps as are necessary to ensure that the residents who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.

Section 2. Section 12-608 of the Maplewood City Code is hereby amended as follows:

Sec. 12-608. Tenant background checks and roster.

As a condition of the license, the licensee must, as a continuing obligation, conduct a criminal background check on all prospective tenants and maintain a current roster of tenants and other persons who have a lawful right to occupy the rental dwelling. The licensee must designate the name of the person or persons who will have possession of the roster and must promptly notify the city manager of any change in the identity, address or telephone numbers of the designee. The roster must be available for inspection by city officials upon request. If a person under investigation by the city claims a lawful right to occupy a rental dwelling or be present on the rental property, the city manager may request to inspect the lease for the unit in which the person claims to reside. Upon such request, the licensee shall provide the lease for inspection by the city manager and cooperate in identifying persons with a lawful right to be present on the rental property.

Section 3. Section 12-614 of the Maplewood City Code is hereby amended as follows:

Sec. 12-614. Maintenance standards.

- (a) It is the responsibility of the licensee to assure that every rental dwelling is maintained in compliance with all city ordinances and state and federal laws. A violation of any of the following City Code titles or chapters constitutes a violation of this chapter and a public nuisance and may be abated under the provisions of the Nuisances chapter (18-26) or

Administrative Offenses chapter (section 1-17) of City Code:

- (1) Building and Building Regulations Code (chapter 12),
  - (2) Zoning Code (chapter 44),
  - (3) Animals Code (chapter 10),
  - (4) Fire Prevention and Protection Code (chapter 20),
  - (5) Offenses and Miscellaneous Provisions (chapter 24),
  - (6) Environment (chapter 18).
- (b) *Snow and ice removal.* Rental dwellings containing four or more dwelling units must remove snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch or more, from all walkways, sidewalks and steps within 12 hours of cessation of the snowfall. Rental dwellings containing four or more dwelling units must remove snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches or more from parking aisles, parking areas, and drives within 72 hours of cessation of the snowfall.
- (c) *Inspections.* The building official, fire chief, police chief and their respective representatives are authorized to make inspections reasonably necessary to enforce this chapter. All authorized inspectors have the authority to enter any rental dwelling at all reasonable times. Pursuant to Minn. Stats. § 504B.211, the licensee is responsible for scheduling the inspection and notifying any existing tenant of the inspection. The licensee must provide access to the requesting city official at the date and time of the scheduled inspection. Failure to provide access for any reason may result in a re-inspection fee, in addition to any other sanctions imposed for noncompliance.
- (d) *Access by occupant.* Each occupant of a rental dwelling shall give the licensee or manager or authorized city official access to any part of such rental dwelling at reasonable times for the purpose of inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.
- (e) *Solid waste.* Rental dwellings must comply with the Solid Waste Management Ordinance (chapter 30) for trash and recycling collection.

Section 4. Section 12-615 of the Maplewood City Code is hereby amended as follows:

Sec. 12-615. License denial, suspension, or revocation.

- (a) *Grounds for denial, suspension or revocation.* The city manager may deny or not renew a license and the city council may revoke or suspend a license for any of the following reasons that shall also constitute a violation of this chapter:
- (1) The property does not conform to City Code;
  - (2) The property does not comply with a health, building, maintenance, or other provisions of the City Code or state law;
  - (3) The licensee has failed to pay the license fee, inspection fees, or a

- fine that has been imposed;
- (4) The licensee has made fraudulent statements, misrepresentations, or false statements in the application or investigation or in any information required by this chapter;
  - (5) The licensee has been convicted of a background check crime as defined in Minn. Stats. § 299C.67, subd. 2, as may be amended from time to time, or any crime related to the licensed business, and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business;
  - (6) Operating or allowing the rental property to be used in such a manner as to constitute a breach of the peace, a menace to the health, safety, and welfare of residents or the public, or a disturbance of the peace, comfort or safety of the residents or the public, upon recommendation of the chief of police;
  - (7) Actions unauthorized or beyond the scope of the license granted;
  - (8) The licensee's rental license to operate another rental dwelling in the City of Maplewood or in another jurisdiction has been denied, revoked, or suspended within the past year;
  - (9) Failure to schedule or allow inspections of the licensed premises for the purpose of ensuring compliance with rental licensing requirements, City Code requirements, state building codes, or other applicable state or federal law;
  - (10) Failure to continuously comply with all conditions required in the approval of the license;
  - (11) Real estate taxes or city fees for the property are delinquent;
  - (12) Violation of any regulation or provision of the City Code applicable to the activity for which the license has been granted, or any regulation or state or federal law that may be applicable;
  - (13) Excessive calls for service as determined by the chief of police under section 1-15.5, or section 24-148 of the City Code based on the number and nature of the calls compared to the number of dwelling units on the property when the licensee has been notified of the calls by the chief of police and the licensee has failed to supply an appropriate written action plan for reducing the calls for service, or when the calls for service exceed an established threshold a second time within 12 months of completing an action plan for previously exceeding the threshold;
  - (14) Failure to actively pursue the eviction of tenants who have violated the provisions of the crime free lease addendum or who have otherwise created a nuisance in violation of the provisions of the written lease;
  - (15) Failure of the licensee to provide a copy of the lease or otherwise cooperate with the city manager in identifying individuals with a lawful right to occupy a rental dwelling or to be present on the rental property; or
  - (16) Other good cause as determined by the city council after conducting a public hearing.
- (b) The city council may revoke a license or suspend a license for a set period of time or until violations of City Code, or state or federal law are corrected and, in addition, impose a civil penalty for each violation or impose a combination of these sanctions.

- (c) *Temporary suspension.* The city council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (d) *Notice.* Before the suspension or revocation of the rental license, the city must provide written notice informing the licensee of the right to a hearing. The notice must provide at least 20 calendar days notice of the time and place of the hearing and must state the grounds for the proposed suspension or revocation of the license. The notice may be served upon the licensee personally, by leaving the notice at the licensed premises with the designated manager, or by certified mail to the address listed on the license application.
- (e) *Hearing.* A hearing will be conducted before the city council at a public meeting. The licensee shall have the right to be represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the city council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.
- (f) *Final decision.* Following the hearing, the council may revoke or suspend the license for all or any part of the licensed premises, may stay the revocation or suspension upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this chapter, or grant or continue the license. If the council suspends or revokes the rental license, the council may also order that any rent payable during the suspension or revocation period be paid into an escrow account to be maintained by the city. The city may use the escrowed funds to pay for the cost of abating violations at the property. Funds that remain in the escrow account after paying for abatement items shall be returned to the licensee upon the licensee receiving a valid rental license or upon the sale of the rental to an unrelated purchaser and after the rental dwelling has been brought into full compliance with City Code. The decision by the city council following a hearing is final. Upon a decision to suspend a license, no new application from the current licensee for the same rental dwelling will be accepted for a period of time specified in the council's decision, not exceeding one year. A decision to revoke a license will result in no new application being accepted from the same licensee for a minimum of one year.
- (g) *Appeal of decision to deny or not renew license.* If the city manager denies or does not renew a license, the licensee shall be notified in writing, specifying the reasons for denying or not renewing the license. If the licensee corrects the conditions leading to the denial or non-renewal within seven days, the city manager shall issue the license. A licensee whose license has been denied or not renewed by the city manager may appeal the decision by filing with the city manager a written notice of appeal within seven days of receiving notice of the city manager's decision. The hearing will be conducted pursuant to section 12-615(e).
- (h) *Notification to tenants.* Upon denial, suspension, revocation or other

enforcement action of a license, the city will notify all affected tenants of the action against the license. If the license is revoked or suspended the licensee may not let, rent or allow to be occupied any vacant dwelling units, or dwelling units that become vacant during the revocation or suspension period.

Section 5. Section 24-147 of the Maplewood City Code is hereby amended as follows:

Sec. 24-147. Scope and application.

This section applies to the owner of any private property which is the subject or location of repeat nuisance service calls by city officials, including locations in which persons under investigation for criminal activity reside or seek refuge. This section applies to any repeat nuisance service calls made by a city peace officer, part-time peace officer, community service officer, animal control, or other designated city official.

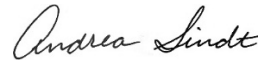
Adopted by the City of Maplewood this 23<sup>rd</sup> day of May, 2022.



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Marylee Abrams, Mayor

Attest:



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Andrea Sindt, City Clerk