

**Chapter 14. Rental Premises**

**Section 1400 - General**

**1400.01 Intent.** It is declared to be the purpose and intent of Chapter 14 to protect and preserve this City's neighborhoods and the public health, safety, welfare and morals of those who live there. The City Council has determined that:

1. There are persons residing in rental property in the City engaging in disorderly conduct which results in a hostile environment for other citizens living close to the rental property;
2. There is currently no procedure by which the City can charge rental property owners or managers with a criminal offense as a result of disorderly conduct occurring on his or her rental property.

Accordingly, it is the intent of Chapter 14 to address the serious problems posed by the occurrence of disorderly conduct and to the health and safety of all residents in all portions of the City.

(Ord. passed 6-9-98)

**1400.02 Definitions.** For the purpose of this Chapter the following terms shall have the meanings ascribed to them.

“Disorderly” or “Disorderly Use” shall mean actions, conduct or use of property involving unlawful sexual intercourse; prostitution; lewd, lascivious or indecent acts; gambling; or the unlawful sale of intoxicating liquor or non-intoxicating malt liquor.

“Owner” shall mean the individual or corporation or other legal entity which has an ownership interest in the rental property and offers the property for rent to the public.

"Rental Premises" shall mean property which is rented to tenants for residential purposes and shall refer to all units in a multi-unit complex. The term "Rental Premises" shall not include rented lots in manufactured home parks.

(Ord. passed 6-9-98)

**1400.03 Conduct on Rental Premises.**

**Subd. 1.** Any owner and/or manager of rental premises shall be responsible to take appropriate action against persons occupying specific units in the rental premises who conduct themselves in such a manner as to cause the premises to be disorderly in violation of the statutes or ordinances listed in Subd. 2. Those persons occupying the premises shall include

the tenant as defined by M.S. § 566.18, and those persons on the rental premises whose presence the tenant has invited or to which the tenant has acquiesced. Violations of this Section apply to individual units within buildings or complexes containing multiple units.

**Subd. 2** The following ordinances and statutes are applicable to this Section:

- a. M.S. §§ 609.321 through 609.324, prohibiting prostitution.
- b. Section 670 of this Code of ordinances, prohibiting indecent conduct;
- c. Section 680 of this Code of ordinances, prohibiting participation in a disorderly house;
- d. M.S. §§ 617.23 through 617.299, prohibiting obscenity;
- e. Section 620 of this Code of Ordinances, prohibiting loud parties or gatherings or other unnecessary loud noises;
- f. M.S. §§ 609.75 and 609.76, which prohibit gambling;
- g. M.S. §§ 152.01 through 152.025 and § 152.027, Subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- h. M.S. § 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- i. M.S. §§ 97B.021, 97B.045, 609.66 and 609.67, and 624.712 through 634.716, which prohibit the unlawful possession, transportation, sale, or use of specified weapons; or
- k. M.S. § 609.72, which prohibits disorderly conduct.

**Subd. 3** The County Sheriff's Department shall be charged with the responsibility of enforcing Subd. 2.

**Subd. 4** Upon determination by the Sheriff's Department that the rental premises were involved in a disorderly use, the Sheriff's Department shall notify the owner and/or manager of the rental premises in person or by regular mail of such violation and shall direct the owner and/or manager to take appropriate action to prevent further violations. The warning shall be effective if mailed to the owner and/or manager at the person's last known address.

**Subd. 5** If another instance of disorderly use of the rental premises occurs within twelve (12) months of an incident for which a warning was given pursuant to Subd. 4 of this section, the

Sheriff's Department shall charge the owner and the manager of the rental premises with a violation of this Chapter. The first violation of this Chapter by an owner and/or manager of rental premises shall be a petty misdemeanor.

**Subd. 6** If another instance of disorderly use of the rental premises occurs within twelve (12) months of a previous conviction for a violation of this Chapter, it shall constitute a misdemeanor.

**Subd. 7** It shall be a defense to a charge under Subd. 5 or 6 of this section if the owner and/or manager of the rental premises has taken appropriate action to terminate the tenancy of those persons involved in the disorderly use of the rental premises prior to the issuance of the citation.

**Subd. 8** All written leases for rental premises in the city executed after July 1, 1998 shall contain a clause providing that conduct which would be a violation of Subd. 2 shall constitute both a material breach of the lease and grounds for termination of such lease. The failure to include the above mentioned clause in a lease for rental premises shall be a misdemeanor.

**Subd. 9** Any owner or manager of rental premises and any owner or manager of a manufactured home park located within the City may request that the Sheriff's Department conduct a criminal history/background investigation of a prospective tenant. The Sheriff's Department shall conduct criminal history/background investigations on prospective tenants in rental premises and mobile home parks in the City upon request by the owner or manager of the premises. No investigation shall be conducted using the state Criminal Justice Data Communication Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the landlord presents an Informed Consent/Waiver form approved or provided by the Sheriff's Department and signed by the prospective tenant. The Informed Consent/Waiver form must meet the requirements of M.S. § 13.05, Subd. 4(d). The applicant shall pay an investigation fee as established by the Law Enforcement Records Division.

(Ord. passed 6-9-98)