

ORDINANCE NO. _____

BEING AN ORDINANCE ESTABLISHING "THE CITY OF LE SUEUR RESIDENTIAL RENTAL REGULATIONS"

THE CITY COUNCIL OF LE SUEUR DOES ORDAIN:

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1.0 Purpose.

The purpose of the City of Le Sueur Residential Rental Regulations is to preserve and protect the public health, safety, and the general welfare of the citizens of the City of Le Sueur who have as their dwelling a room or rooms furnished to them by another person or entity in exchange for payment of a rental charge (including money, services, or other type of consideration). The general objectives include:

- A. To maintain a quality of character and stability of rental dwelling units within the City;
- B. To correct and prevent rental dwelling conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying rental dwellings within the City of Le Sueur;
- C. To assist in enforcing minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of the occupants of rental dwellings;

- D. To assist in enforcing minimum standards of light and ventilation necessary to health and safety;
- E. To prevent overcrowding of rental dwelling units;
- F. To assist in enforcing minimum standards for the maintenance of rental dwelling units to prevent slums and blight;
- G. To preserve the value of land and buildings throughout the City.

2.0 Intent.

It is the intent of this section to establish a permanent mode of protecting and regulating the living conditions of the residents of the City who rent dwelling units and to provide a means for imposing license fees to help the City defray the costs necessary for housing inspections and enforcement of this Ordinance.

3.0 Definitions.

The following words and terms, as used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

- A. The term "dwelling unit" means any building structure or enclosure, including those defined in Section 3.0 (B) and (C) herein, any mobile home, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants, rented or offered for rent by any person or entity to any other person or persons for use for residential purposes by such other person or persons. "Dwelling unit" does not include rest homes, convalescent homes, nursing homes, hotels, motels, dormitories or facilities licensed by the State of Minnesota as institutional occupancies.
- B. The term "long-term hotel dwelling unit" means any dwelling unit in any hotel which the dwelling unit is held out or available to the public for use for sleeping or residential purposes for periods of one week or more.
- C. The term "rooming house dwelling unit" means any dwelling unit in any building or structure, which building or structure is used or held out to be a place where sleeping accommodations are furnished to the public as regular roomers for periods of one week or more.
- D. The term "rent" means any consideration paid for the exclusive use of the dwelling unit, including but not limited to money, services, or a combination thereof paid or delivered at fixed intervals periodically agreed upon.
- E. The term "offender transitional housing" means a dwelling unit as defined above, long-term hotel dwelling unit, rooming house dwelling unit or other facility, intended, or used principally to provide short-term supervised housing to more than one offender and/or sex offender, as defined by Minnesota Statute and Rule, who are on supervised release or conditional release, and who are receiving housing assistance, either directly or indirectly, and supervision from the Minnesota Department of Corrections, or designee, and/or as part of the Minnesota Sex Offender Program, and/or who are required to live in the dwelling, long-term hotel dwelling unit, rooming house dwelling unit or other lodging

facility as a condition of release and supervision program. "Offender transitional housing" does not include housing declared by state law to be permitted single-family residential use under Chapter 462.357, Subd. 7. The term "short-term" shall mean a period of time not exceeding twelve (12) months or as otherwise established by Minnesota Statute and Rules. A dwelling unit owned by or leased by the offender, or by a member of the offender's immediate family, shall not be considered offender transitional housing.

4.0 License Required.

- A. It is unlawful for any person, as the owner, manager, or other person having control of any dwelling unit, to lease, rent, offer for rent or lease, or permit to be leased, rented or offered for rent or lease, or permit the occupancy of any dwelling unit as defined in this Section within the City without first having obtained a rental license for such dwelling unit as hereafter provided.
- B. It shall be unlawful for any person to occupy a dwelling unit within the City that is found to be in violation of the Subdivision.
- C. A rental license shall be required in the following situations:
 - i. A dwelling unit is rented or leased as defined by this Chapter; or
 - ii. A dwelling unit is not occupied by the owner, but is occupied by one or more persons that are unrelated to the owner of said unit; or
 - iii. A dwelling unit is not occupied by the owner, but is occupied by a person or persons related by blood to the owner and one or more persons that are unrelated to the owner.

For the purposes of determining occupancy for rental purposes, the following standards shall apply:

- i. The term "Unrelated" includes individuals who are not related by blood, marriage, or adoption. For the purposes of this Chapter, "related by blood" shall mean whole or half relation between a common ancestor or descendant, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin, persons in a significant romantic or sexual relationship as defined by Minnesota Statute Section 518B.01 and any amendments thereto, or any combination of the above persons.
- ii. An occupant is a person that occupies a dwelling unit for living and/or sleeping purposes for more than 7 days in a consecutive 30-day period.
- iii. A guest may occupy a licensed or unlicensed dwelling unit provided the guest does not reside in the dwelling unit for more than 7 days within a consecutive 30-day period and the guest has a documented permanent residence other than the dwelling unit in which they are considered a guest.

- iv. The occupancy of a dwelling unit shall comply with the occupancy restrictions of the residential districts as stated in the Le Sueur Zoning Ordinance #422, as amended from time to time.

5.0 Licensing Standards.

The following licensing standards shall be complied with in administering any license as required by this Ordinance:

- A. No person or entity may be issued a license unless they satisfy the standards provided in this section. Failure to comply with any of these standards at any time shall be adequate grounds for the denial, refusal to renew, suspension or revocation of a license, or the imposition of a fine upon the licensee or applicant consistent with Section 8. Except where specifically noted, it is not necessary for a criminal conviction to exist in order to support a determination that a violation of a standard has occurred. Any suspension or revocation sanction imposed pursuant of this section must be limited to the licensee's or applicant's registration certificate, or the licensee's or applicant's right to obtain a registration certificate, for the non-compliant property.
- B. As used in this chapter, the term "licensee or applicant" means: (a) an owner of property who possesses or applies for a registration certificated; (b) an owner of property seeking to renew a registration certificate; and (c) either of those person or entity's agents, employees or representatives.
- C. The licensee's or applicant's application form shall contain facts that permit issuance of the certificate would be in compliance with all applicable state laws and city ordinances.
- D. The licensee or applicant must pay the required license or re-inspection fee.
- E. The licensee or applicant must not intentionally make inaccurate or incorrect representations of material facts on the application form. The licensee or applicant must not intentionally make inaccurate or incorrect oral or written representations to a city official regarding the rental dwelling unit or the ownership of the rental dwelling unit.
- F. Rental dwelling may not exceed the maximum number of dwelling units permitted by the Code.
- G. No rental or dwelling unit may be over occupied or illegally occupied in violation of the Code.
- H. The licensee or applicant shall not allow weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the dwelling so as to create any condition described in Section 8.0.
- I. The dwelling unit shall comply with all federal, state and city laws and ordinances.
- J. The licensee or applicant shall allow the City to perform a rental inspection at any time and without prior notice if deemed appropriate by the City.
- K. The licensee or applicant shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor

number, and unit number and/or letter and/or designation of such unit within the building. The register is kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the City of the location at which the register is kept. The register shall be available for review by an authorized representative of the City at all times.

- L. The licensee or applicant shall not have delinquent property taxes or assessments on the rental dwelling, and shall not be delinquent on any financial obligations owing to the City unless a reasonable payment arrangement has been made in writing.
- M. The licensee or applicant shall complete the Crime Free Multi Housing Program or submit a comparable certificate from a crime free multi housing program from another jurisdiction. A licensee or applicant satisfies this requirement by proof that its management company has completed this Program.

6.0 License Fees.

- A. The annual dwelling unit rental license fee for each license as required by this Chapter unit shall be established by resolution of the City Council.
- B. Registration fees are not prorated and are the sole responsibility of the owner of each unit as of January 1 each year.

7.0 License Expiration.

Each license issued pursuant to this section shall have a term of three (3) years and shall expire on the 31st day of December. Renewal of licenses will not occur unless the property has been inspected and approved by the housing inspector within 180 days preceding the expiration date of the license.

Payment of license fees shall be due and payable on or before the date of expiration of the preceding license, if any. Any annual license fee established by the City shall be due and payable before the 1st of January and said license shall be conditioned upon timely payment of any annual license fee. Reissuance of a rental license for any property with a cancelled license shall be handled as if the property were a new license. Such issuance will require the property to comply with all codes in effect at the time of the new license application.

8.0 Conduct on Licensed Premises.

- A. The license holder shall be responsible to cause persons occupying the dwelling unit to conduct themselves in such a manner as to not cause the premises to be disorderly (such term, for purposes of this subdivision encompassing conduct that would be illegal as defined by Minnesota Statute, or would violate an City Ordinance including City Code Sections 153 (Zoning) and 97 (Nuisance)).
- B. The license holder shall be responsible for maintaining the dwelling unit and the licensed property so that a nuisance condition, as defined by the Le Sueur City Code or a violation of Section 97 of the Le Sueur City Code, is not allowed or permitted to exist, occur, remain upon or be in any licensed property.

- C. The police and/or housing inspector/enforcement officer shall be charged with the responsibility of enforcing paragraph A and B.
- D. Upon determination by the police or housing inspector/enforcement officer that the licensed premises were used in any disorderly manner the police or housing inspector/enforcement officer shall notify the license holder by regular mail of such violation as follows:
1. Anytime, day or night, that the premises are involved in any of the following:
 - a. Unlicensed sale of intoxicating liquor or non-intoxicating malt beverages.
 - b. Illegal furnishment of intoxicating liquor or non-intoxicating malt beverages to persons under 21 years of age.
 - c. Illegal consumption of intoxicating liquor or non-intoxicating malt beverages by persons under 21 years of age.
 - d. Crimes that include gambling, prostitution or pornography as defined by Minnesota's Criminal Statutes.
 - e. Sale or use of illegal drugs by any person on the premises.
 - f. Public nuisance complaint, as defined by City Ordinance or Minnesota Statute, including trash, junk motor vehicle storage, yard maintenance issues, etc.
 2. Anytime, day or night, that the premises are involved in a manner affecting the public health, safety or welfare of the neighborhood and an arrest is made or charges are sought for any of the following:
 - a. Disorderly Conduct.
 - b. Disturbing the Peace.
 - c. Obstructing an Officer.
 - d. Assault.
 - e. Criminal Damage to Property.
 - f. Crimes that include gambling, prostitution or pornography as defined by Minnesota's Criminal Statutes.
 3. Between the hours of 7 a.m. and 10 p.m. for any of the following:
 - a. Where the police respond a second time and describe the activity as being loud, disruptive, intrusive, or in any manner affecting the health, safety, welfare or peace of the neighborhood or public on both occasions.
 - b. Where the police respond initially and describe the activity as being loud, disruptive, intrusive, or in any manner affecting the health, safety, welfare or peace of the neighborhood or public and persons involved refuse to comply with police directives to curtail the behavior.
 - c. Where the police respond on three separate dates and describe the activity as being loud, disruptive, intrusive, or in any manner affecting the health, safety, welfare or peace of the neighborhood or public.
 4. Between the hours of 10 p.m. and 7 a.m. for any one or more of the following:
 - a. Where police describe the noise level outside the confines of the dwelling unit as loud and/or intrusive. This description should give some indication of the distance that the noises were heard.
 - b. Where people are using profanity that can be heard outside the confines of the dwelling unit.

- c. Where music, either from the confines of the dwelling unit, the yard area of the dwelling unit, or any parking area defined for the dwelling unit, can be heard from the street, alley, or neighboring yards.
 - d. Where a gathering is going on either in and/or out of the dwelling unit in a manner that involves any of the following:
 - i. Disruption of the neighborhoods (i.e. revving of the cars, squealing of tires, loud shouting, etc.).
 - ii. Littering.
 - iii. Inappropriate behavior (i.e. urinating in yards, persons passed out, etc.)
 - iv. Damage of property and the investigating officer(s) can show that the inappropriate activity was directly related to the licensed premises. Proof may include, but is not limited to, direct observations by officers, admissions by persons present or testimony/statements by complainants and witnesses.
 - e. Where officers are unable to personally verify the existence of any of the criteria listed in (i.) thru (iv.) above, but complainants/witnesses are willing to testify to one of more of the facts at a criminal or civil proceeding.
- E. Two notices pursuant to Section 8.0(D) within 12 months on separate dates will result in a problem solving conference. The license holder shall be notified of the instance of disorderly use and shall also be required to participate in a Problem Solving Conference (PSC), scheduled and conducted by the City Administrator or designee, and immediately remedy the violations. The purpose of the PSC shall be to develop, by consensus, a plan of action to reasonably ensure that future incident will not occur at the premises.
- F. If a third notice pursuant to Section 8(D) of disorderly use of the premises occurs within a 12 month period or five notices in a 24 month period, the dwelling unit rental license shall be revoked or suspended for such dwelling unit. Such suspension or revocation shall be for all units in a given building or complex of buildings. If the notice of violation has been with respect to a common area of a building or complex of buildings, then the license as to all units in such building or complex of buildings may be suspended or revoked. Upon suspension or revocation, a license holder may pay to the City a reinstatement fee equal to \$100 for each unit relicensed for the first unit, and \$20 for each additional unit, and said reinstatement will be at the discretion of the City giving consideration to the repeated violations of this section as well as to be pursuant to the Licensing Standards set forth in this Ordinance. A suspension or revocation may be stayed subject to payment of the applicable reinstatement fees and no further violations of this section for a period of 12 months.
- G. No suspension or revocation shall be imposed where the instance of disorderly use of the premises occurred during the pendency of eviction proceedings (unlawful detainer) brought by the license holder or within 30 days of notice given by the license holder to a tenant to vacate the premises where the disorderly use was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions, however, unless they are diligently pursued by the license holder.
- H. All written leases for licensed premises executed after June 1, 2015, shall contain a clause providing that conduct which would be a violation of Section 8 shall constitute a material breach of the lease and grounds for termination of such lease.

9.0 License Suspension and Revocation.

Any certificate may be revoked or suspended at any time during the life of said certification for grounds including, but not limited to the following:

- A. False or misleading information given or provided in connection with the registration statement or renewal;
- B. Failure to pay any fee herein provided for;
- C. Failure to permit any officer or employee of the City charged with the duty of making inspections or enforcing any provisions of this Ordinance, access to the premises at a reasonable hour to determine whether the facilities conform with the provisions of this article;
- D. Violation by the certified owner or anyone operating thereunder, of any provisions of this Ordinance or any Federal or State law or local rule pertaining to, or governing the certificate and the premises, including the sale or manufacturing of illegal substances. It shall be irrelevant to proceedings hereunder that the license holder or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation.
- E. As stated in Section 5.0, 8.0 and, 17.0 herein.

A suspended certificate shall be reinstated when the circumstances leading to the suspension have been remedied and any reinstatement and inspection fee has been paid. After a certificate has been revoked, a new certificate may be issued to the revoked owner only if the circumstances leading to the revocation have been remedied, a new registration is made, and an additional reinstatement and inspection fee is paid.

10.0 Appeals

Any applicant whose application for a license has been rejected, suspended or revoked may request and shall be granted a hearing in the matter before the City Council. Said hearing shall be held within 30 days following receipt of a written request for an appeal together with an affidavit setting forth the applicant's reasons for said appeal. At the hearing, the City Council shall first hear from the appropriate City Official regarding the appeal who shall then be subject to questioning by the City Council and the applicant, then hear from the applicant who shall be subject to questioning by the City Council and the appropriate City Official. The Council may rule immediately following the hearing and the license action taken shall only be overturned by majority vote of the Council. The Council may also table its ruling until the following regularly scheduled council meeting.

11.0 License Posting.

Licenses issued pursuant to this section are not required to be posted on the premises for which the license is issued. Every license holder or their agent, shall, upon request, provide a copy of the current license to any tenant or prospective tenant. In the case of a written lease, the license holder or their agent, shall include, at a minimum, the number of the current rental license in the

lease agreement.

12.0 Transfer.

To transfer the dwelling unit rental license from one property owner to another, the licensee shall give written notice, including the name and address of the transferee, to the City Administrator's office of the proposed transfer, at least 7 days prior to any transfer of the licensed property. The transferee must make application with the City Administrator's office and pay the required fee for a transfer of the license, within 30 days of the transfer of the property. Failure to make application within the specified time limit will result in the automatic forfeiture of the license. Relicensing of any property for which the license has been forfeited shall require application for a new license. Issuance of any license under these conditions shall require the property to be in compliance with all codes in effect at the time of issuance of the new license.

13.0 Inspection.

Upon receipt of an application for any dwelling unit rental license, the City Administrator's designee shall forward a copy of such application to the housing inspector/enforcement officer, whereupon the housing inspector/enforcement officer shall, within 30 days after receiving such application, schedule inspection of the property to be licensed to determine whether such property complies with the provisions of applicable codes and statutes. No rental license shall be issued by the City unless the property complies with the provisions of the City Code and the Le Sueur Housing Maintenance Code which pertain to such dwelling unit.

14.0 Register of Occupancy.

Each rental license holder, or their agent, shall maintain a register of occupancy for each dwelling unit, which register shall be available for examination by City officials, and shall contain the following information:

- A. The address of the dwelling unit;
- B. The number of bedrooms in the dwelling unit;
- C. The names of the current tenants of the dwelling unit; and
- D. The telephone numbers of the current tenants of the dwelling unit.

15.0 Agent Required.

Each license holder of a dwelling unit within the City, rented or offered for rent for residential purposes, which license holder does not reside within a 30 mile radius of the City, as measured from Le Sueur City Hall, shall, by a written document executed and acknowledged by such license holder, appoint an agent residing within that area, upon which agent the City may serve notices pertaining to the administration of this section or of any provisions of the City Code pertaining to such dwelling unit, which service shall be as effective as if made upon such license holder. License holders or agents residing in the 30 mile limitation, shall provide toll-free telephone access to all tenants and City staff.

In those cases where an agent is employed, the license holder shall provide the City

Administrator's office with the full name, date of birth, address and telephone number of such agent(s). A license holder shall provide written notice to the City Administrator's office, with the required information, whenever the agent for a licensed property is changed. The written notice shall be provided to the City Administrator's office within 48 hours of such change(s).

16.0 Exception.

This section shall not apply to any hotel or motel room or facility licensed by the State of Minnesota.

17.0 Refuse Removal and Recycling.

- A. Duty to provide removal. The license holder of each dwelling unit within the City rented or offered for rent for residential purposes shall provide for such dwelling unit refuse and garbage removal service, whereby refuse and garbage shall be removed from the premises upon which such dwelling unit is located at least once every seven days.
- B. The license holder of each dwelling unit within the City rented or offered for rent for residential purposes shall provide for such dwelling unit recycling service. Buildings containing three or more units must be provided with recycling services for a minimum of four broad material types (i.e. paper, plastic, metal or glass). License holders of single-family or duplex rental units shall inform their tenants of the curbside recycling program provided by the City.
- C. Recycling Containers. License holders of single-family or duplex rental units shall provide a curbside recycling bin to each unit. License holders of buildings containing three or more units shall provide and maintain on the premises an adequate number of rigid, non-absorbent, covered containers for the storage of all recyclable materials. The containers must be emptied at least once per month.
- D. Failure to comply with the requirements of this section may result in suspension or revocation of the dwelling unit rental license.

18.0 Property Tax Payments Maintained

The City of Le Sueur shall require that the license holder shall remain current with respect to payment of property taxes.

- A. The license holder shall notify the City when any property tax or assessment is owed on the rental unit is 30, 60 and 90 days in arrears. If the City or its agent(s) learn independently property taxes or assessments are 30 or more days in arrears and no notice has been received from the license holder, the City may suspend the license holder's license immediately.
- B. At the 90-day notification the license will be revoked and after a license has been revoked, a new license may be issued to the revoked owner only if the circumstances leading to the revocation have been remedied, a new application is made, and an additional reinstatement and inspection fee as set by Council resolution has been paid.

19.0 Training.

The City of Le Sueur shall offer rental property training sessions at least once per year. All license holders and their agents will be invited to attend. License holders, or their agents, are required to attend a training session upon receipt of the first disturbance notice for a rental unit. Failure to attend the training sessions may be reasonable cause for the City Council to refuse to grant or renew a rental license.

20.0 Information Packet.

The City of Le Sueur will provide to each license holder an information packet. The license holder or their agent shall provide a copy of the relevant portions of the information packet to each tenant at the beginning of the rental period.

The license holder, or their agent, shall be required to inform all prospective tenants of the number of disturbance notices pending against the licensed property and the potential effect of additional disturbances. The license holder shall provide written notice to the tenant of the number of pending disturbance notices at the beginning of the rental period.

21.0 Enforcement Authority.

The City Administrator, or designee, is hereby authorized and directed to enforce all of the provisions of the Le Sueur City Code and this Ordinance. For such purposes they shall be known and appointed as enforcement officers having the authority to issue notices of violation, issue orders for occupants to vacate a dwelling unit found to be in violation of the Le Sueur City Code, including this Ordinance, and order suspension of City services for properties found to be in violation of the Le Sueur City Code.

- A. Owners and occupants of dwelling units that are found to be in violation of the Le Sueur City Code, including any provision of this ordinance, shall be issued a Notice and Order. The Notice and Order shall contain:
 - i. The street address or a legal description sufficient for identification of the premises upon which the building is located.
 - ii. A statement that the City Administrator, or their designee, has found the building to be in violation of the Le Sueur City Code with a brief and concise description of the violation(s).
 - iii. A statement identifying what steps shall be taken to bring the property into compliance with the Le Sueur City Code.
 - iv. A statement that the dwelling unit must be vacated within 30-days from the date of the order if the property is not brought into compliance with the Le Sueur City Code.
 - v. Statements advising that if the property is not brought into compliance and/or vacated within 30 days from the date of the notice and order that the City Administrator or designee:
 - a. May charge the owner, agent, and/or occupants with a criminal violation; and
 - b. May suspend or revoke the rental unit license to the property; and
 - c. May proceed to cause the necessary work to be done to bring said property into compliance and charge the costs thereof against the property or its owner.

- B. Notice and order may be served by personal service or United States Postal Service to the owner and/or agent as determined by County Land Records. Occupants may be served by personal service or United States Postal Service to at least one occupant of the dwelling unit. If the owner(s) or occupant(s) refuse personal service or mailed service through the United States Postal Service, the Notice and Order may be posted on the property.
- C. Right of Entry. When it is necessary to make an inspection to enforce the provisions of the Le Sueur City Code, or when the City Administrator, or their designee has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of the Le Sueur City Code, they may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the Le Sueur City Code. If such building or premises be unoccupied, they 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. If entry is refused, the enforcement officer(s) shall resort to the remedies provided by law to secure entry.

22.0 Crime Free Housing Program

- A. Definitions. The following definitions shall apply for this section:
 - i. “Criminal Record Check” means an inquiry into public criminal arrest data, for fifteen (15) years prior to the inquiry or such period of time as may be specified from time to time by the Minnesota Bureau of Criminal Apprehension, of the Le Sueur Police Department, and “CJIS” Minnesota Criminal Justice Information System information obtained through the Minnesota Bureau of Criminal Apprehension, which is used for inquiries for licensing and will retrieve arrest data only.
 - ii. “Manager” means the owner, the agent or any other individual responsible for receiving lease applications or rent payments or authorizing the lease or rent of an apartment, house, manufactured home or lot for the placement of a manufactured home and who has received a Certificate of completion form the Crime Free Multi-Housing Training.
 - iii. “Residential Property Managers” means persons who are defined in and must qualify under Minnesota Statutes, Sections 299C.66 to 299C.71.
 - iv. “Tenant” means any individual who is renting or attempting to rent or lease an apartment, house, manufactured home, or a lot for the placement of a manufactured home.
- B. Tenant Information Required. Upon request of the manager for the purpose of a background check, all persons making an application for housing shall complete the application and provide the following information:
 - i. Full name, place and date of birth and the present residence address and residence addresses for the previous five (5) years of the tenant.
 - ii. Whether the tenant has ever used or been known by a name other than his or her present name, and if so, what such name or names were and information concerning dates and places where such names were used.

- iii. Whether the tenant has been convicted of a crime. If so, the tenant shall furnish information as to the time, place and offense resulting in the conviction.
- C. Background Investigation on Tenants. The Landlord shall obtain appropriate authorizations from prospective tenants and shall conduct a criminal record check and a driver's license record check on a tenant. The consent for release of information form shall contain the following:
- i. Notification to the tenant that the manager will request the Le Sueur Police Department and Bureau of Criminal Apprehension to conduct a criminal record check;
 - ii. Notification of the right to obtain a copy of the criminal record check;
 - iii. Notification of the right to challenge the accuracy and completeness of the criminal record check; and
 - iv. Notification of the right to be informed by the manager if the application for housing has been denied based on information contained in the criminal record check.
- D. Background Checks on Managers. The Le Sueur Police Department shall provide a criminal record check on the managers of rental units as provided for in Minnesota Statute Section 299C.66 to 299C.71 and as it may be amended from time to time.
- E. Information to be Protected. Information which is gathered as a result of criminal record check which is not deemed public data under the Minnesota Data Practices Act shall not be released to the requesting manager. Information provided under this section shall only be used by a manager for the purpose of approving or rejecting the application for housing.

23.0 Temporary Rental Licenses

Temporary rental licenses may be granted by the City for unlicensed properties to an owner of property for a period not to exceed six (6) months for the following circumstances:

- a) The property is being sold and the owner and the owner's family are not residing at the property.
- b) The owner and the owner's family are not residing at the property and the occupants are providing a caretaking function for the property.

Six (6) months from the date of issuance, the temporary rental license shall expire and is not subject to renewal, unless otherwise approved by the City Council. The Council may approve additional extensions provided the property is being actively marketed for sale. Temporary rental licenses are not transferable to new owners.

The issuance of temporary rental licenses shall conform to all standards set forth in this Ordinance.

24.0 Offender Transitional Housing.

Purpose. In order to reduce the likelihood of recidivism; provide for the public safety; provide protection and security for crime victims; maintain neighborhood stability; re-integrate former offenders into the mainstream, law-abiding community; prevent homelessness among returning

offenders; and facilitate support and supervision for offenders, the City of Le Sueur finds it desirable to provide for locations within the City where offender transitional housing can be established subject to the limitations of this Code. In addition, the Offender Transitional Housing shall comply with all other provisions of the City Code regarding rental licensing requirements. If there is a conflict between this subsection and another provision of the Le Sueur City Code, the more restrictive provisions shall prevail.

Separation and Concentration in Zoning Districts. Offender Transitional Housing may be established in a zoning district that allows residential occupancy and only on a parcel that is at least as far as the distances indicated in the table below from another existing, or approved but not yet constructed, Offender Transitional Housing use in any zoning district:

<u>Zoning Designation Separation Required</u>	<u>Separation Required</u>
<u>R-1 and special districts and PUD's with underlying R-1 zoning</u>	<u>>= 1,000 feet</u>
<u>R-2 and special districts and PUD's with underlying R-2 zoning</u>	<u>>= 1,000 feet</u>
<u>All other Residential Districts</u>	<u>>= 1,000 feet</u>
<u>All other Zoning Districts</u>	<u>>= 800 feet</u>

Concentration in Residential Zones. In residentially zoned areas (R-1 through R-5 and special districts and Planned Unit Developments with underlying residential zoning), a proposed Offender Transitional Housing use may not cause the number of Offender Transitional Housing uses within a radius of 1.5 times the required separation distance of the proposed Offender Transitional Housing use to exceed 0.5 percent of the total number of dwellings for developed neighborhoods within that radius, of 0.5 percent of the planned dwellings or permissible dwellings within that radius for partly undeveloped neighborhoods.

Offender Transitional Housing in Non-Residential Zones. In non-residential zones where dwelling and/or lodging units are permitted, a proposed Offender Transitional Housing use that is within 1,000 feet of a residential zone may not cause the sum of the population capacity of Offender Transitional Housing to exceed 10 percent of the sum of the dwelling units and lodging units in parcels within a radius of 1,000 feet of a proposed Offender Transitional Housing use, except that where the sum of dwelling and lodging units within 1,000 feet is fewer than 100, the population capacity of offender transitional housing or lodging units shall not exceed 10 persons.

Offender Transitional Housing for Sex Offenders. Any Offender Transitional Housing providing or intending to provide housing to a designated sex offender as defined by state law or administrative rule must meet the separation requirements provided in this Subsection. Except where otherwise specified, the separation distances shall be measured from the property lines of both the offender housing and the facility and/or property from which it shall be separated. Separation by distance of not less than 2,000 feet is required from the following facilities:

- Public parks in existence at the date of application for a license under this Subdivision.
- A licensed family day care or child care facility in existence at the date of application for a license under this Subdivision.
- Public or private nursery schools, elementary schools, secondary schools, and post-secondary schools, in existence at the date of application for a license under this Subdivision.
- A state licensed residential facility as referenced in Minnesota Statute 462.357, Subdivision 7, and in existence at the date of application for a license under this Subdivision.

The residents of the Offender Transitional Housing shall be limited to only those offenders that were convicted of an offense while residents of Le Sueur County and the residents shall only reside in the premises for a period not to exceed 12-months.

Offender Transitional Housing License. An Offender Transitional Housing use must obtain a license prior to any occupancy of such use. The license shall be subject to the occupancy restrictions of the underlying zoning district requirements. In non-residential districts a license shall only be issued if the underlying zoning district permits such use.

The license shall be subject to suspension or revocation if conditions of approval are violated or if a violation of Federal, State or local law occurs by a tenant or license holder that impacts the safety and welfare of the tenants or public. If an Offender Transitional Housing use is discontinued for a period of twelve (12) consecutive months or if a license is revoked, there shall be no presumed right to reinstatement and any use at the location shall be considered in the same manner as a new use.

Prior to the establishment of Offender Transitional Housing, the state agency responsible for the supervision of the offender shall send notice to all property owners within 2,000 feet of the property to be used for Offender Transitional Housing. The notice shall state the intent of the state agency to establish Offender Transitional Housing and the place and time of a public meeting, to be held within the City limits of the City of Le Sueur, at which meeting the state agency will provide details to the public regarding the proposed Offender Transitional Housing.

The rental license for a dwelling used for Offender Transitional Housing shall contain the contact information for the state agency and a local agent that is employed by the state agency. At the public meeting, the name and contact information of the local contact/agent shall be supplied to the attendees.

Existing Offender Transitional Housing. Offender Transitional Housing existing on the date of the enactment of this ordinance shall immediately obtain a license under this Subsection and shall comply with the other provisions of this Subsection within 12-months of ordinance adoption. If the property currently used for Offender Transitional Housing does not conform to the provisions of this Subsection, it shall cease operation within 12-months of the adoption of this Subsection or adjust the operation of the Offender Transitional Housing to comply with this Subsection.

- 25. Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

- 26.0 Severability. The provisions of this Section are severable and if any provision of this Section or application of any provision of this Section due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Section shall not be affected thereby.

- 27. Effective Date: This Ordinance shall be effective on January 1, 2016 from and after its passage and seven (7) days after its publication. This Ordinance was passed by the City Council on the 12th day of October, 2015.

Robert Broeder, Mayor

ATTEST:

Monica Muchow, City Clerk

Published in the Le Sueur News Herald on the _____ date of _____, 2015