

**ORDINANCE NO. XXX**  
Chapter 115 – Rental Regulations

THE LESUEUR CITY COUNCIL DOES ORDAIN

## **CHAPTER 115: RENTAL REGULATIONS**

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### **§ 115.01 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 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;
- (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.

(Ord. 549, passed 10-12-2015)

### **§ 115.02 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 chapter. All

rental dwelling units must comply with Minnesota State Building Code, International Property Maintenance Code, and the City of Le Sueur Code.

(Ord. 549, passed 10-12-2015)

### § 115.03 DEFINITIONS.

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

**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, including those defined under **LONG-TERM HOTEL DWELLING UNIT** and **ROOMING HOUSE DWELLING UNIT** 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.

**LONG-TERM HOTEL DWELLING UNIT.** 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 providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**OFFENDER TRANSITIONAL HOUSING.** 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 M.S. § 462.357, Subd. 7. 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.

**RENT.** 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.

**ROOMING HOUSE DWELLING UNIT.** 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.

**SHORT-TERM.** A period of time not exceeding 12 months or as otherwise established by Minnesota Statute and Rules.

(Ord. 549, passed 10-12-2015)

### § 115.04 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 this division.

(C) A rental license shall be required in the following situations:

- (1) A dwelling unit is rented or leased as defined by this chapter;
- (2) 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
- (3) 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.

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

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

**RELATED BY BLOOD.** 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 M.S. § 518B.01 and any amendments thereto, or any combination of the above persons.

**UNRELATED.** Individuals who are not related by blood, marriage, or adoption.

(2) An occupant is a person that occupies a dwelling unit for living and/or sleeping purposes for more than seven days in a consecutive 30-day period.

(3) A guest may occupy a licensed or unlicensed dwelling unit provided the guest does not reside in the dwelling unit for more than seven 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.

(4) The occupancy of a dwelling unit shall comply with the occupancy restrictions of the residential districts as stated in Chapter 153, as amended from time to time.

(Ord. 549, passed 10-12-2015)

### **§ 115.05 LICENSING STANDARDS.**

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

(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 § 115.08. 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) The following words and terms, as used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

#### **LICENSEE OR APPLICANT.**

(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 § 115.08;

(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; and

(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. (Ord. 549, passed 10-12-2015)

**§ 115.06 LICENSE FEES.**

(A) The dwelling unit rental license fee for each license as required by this chapter unit shall be established by resolution of the City Council and posted in the City of Le Sueur Governmental Fee Schedule.

(B) License fees may be prorated at the discretion of the City Administrator, Building Official, or designee and are the sole responsibility of the owner of each unit prior to the expiration date of the license.

(C) Property owners who fail to secure a rental license prior to renting their property will be subject to a fine. The fine for renting without a current license as required by this chapter shall be established by resolution of the City Council and posted in the City of Le Sueur Governmental Fee Schedule.

(D) All other fees associated with the City of Le Sueur Rental Regulations will be posted in the City of Le Sueur Governmental Fee Schedule.

(Ord. 549, passed 10-12-2015)

**§ 115.07 LICENSE EXPIRATION.**

(A) Each license issued pursuant to this section shall have a term of one to three years and shall expire quarterly, based on date of issuance, on March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, or December 31<sup>st</sup> respectively. Renewal of licenses will not occur unless the property has been inspected and approved by the Building Official within 90 days preceding the expiration date of the license.

(1) Rental license terms are at the discretion of the City Administrator, Building Official, or designee.

(B) Payment of license fees shall be due and payable on or before the date of expiration of the preceding license, if any. Any license fee established by the city shall be due and payable before the expiration date and said license shall be conditioned upon timely payment of any 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.

(Ord. 549, passed 10-12-2015)

**§ 115.08 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 division encompassing conduct that would be illegal as defined by Minnesota Statute, or would violate a city ordinance including City Code Chapters 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 Chapter 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 Building Official/enforcement officer shall be charged with the responsibility of enforcing division (A) and (B).

(D) Upon determination by the police or Building Official /enforcement officer that the licensed premises were used in any disorderly manner the police or Building Official /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; and/or

(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; and/or
- (f) Crimes that include gambling, prostitution or pornography as defined by Minnesota's Criminal Statutes;

(3) Between the hours of 7:00 a.m. and 10:00 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; and/or
- (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 10:00 p.m. and 7:00 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; and
- (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:

1. Disruption of the neighborhoods (i.e. revving of the cars, squealing of tires, loud shouting, etc.);
2. Littering;
3. Inappropriate behavior (i.e. urinating in yards, persons passed out, etc.);
4. 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; and/or
5. Where officers are unable to personally verify the existence of any of the criteria listed in 1. thru 4. above, but complainants/witnesses are willing to testify to one of more of the facts at a criminal or civil proceeding.

(E) If a third notice pursuant to division (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 for each unit relicensed, 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 chapter. 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.

(Ord. 549, passed 10-12-2015)

### **§ 115.09 LICENSE SUSPENSION AND REVOCATION.**

(A) 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:

- (1) False or misleading information given or provided in connection with the registration statement or renewal;

(2) Failure to pay any fee herein provided for;

(3) Failure to permit any officer or employee of the city charged with the duty of making inspections or enforcing any provisions of this chapter, access to the premises at a reasonable hour to determine whether the facilities conform with the provisions of this section;

(4) Violation by the certified owner or anyone operating thereunder, of any provisions of this chapter 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; and

(5) As stated in §§ 115.05, 115.08, and 115.17.

(B) 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.

(Ord. 549, passed 10-12-2015)

#### **§ 115.10 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.

(Ord. 549, passed 10-12-2015)

#### **§ 115.11 LICENSE POSTING.**

Licenses issued pursuant to this chapter are required to be posted in a conspicuous area 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 licenses in the lease agreement.

(Ord. 549, passed 10-12-2015)

#### **§ 115.12 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 seven days prior to any transfer of the licensed property. The transferee must make application with the City Administrator's office, pay the required fee for a transfer of the license, and schedule an inspection with the Building Official, within 30 days of the transfer of the property. Failure to make application and schedule an inspection 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.

(Ord. 549, passed 10-12-2015)

#### **§ 115.13 INSPECTION.**

(A) 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 Building Official/enforcement officer, whereupon the applicant/owner shall, within 30 days after receiving such application, schedule inspection of the property to be licensed with the Building Official/enforcement officer 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, Minnesota State Building Code, and the International Property Maintenance Code which pertain to such dwelling unit.

(B) Each rental license fee will include one initial inspection and one re-inspection. Each additional inspection as required to be in compliance of this chapter shall be paid prior to re-inspection. Re-inspection fees shall be established by a resolution of the City Council and posted in the City of Le Sueur Governmental

Fee Schedule.

(Ord. 549, passed 10-12-2015)

**§ 115.14 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.

(Ord. 549, passed 10-12-2015)

**§ 115.15 AGENT REQUIRED.**

(A) 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.

(B) 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).

(Ord. 549, passed 10-12-2015)

**§ 115.16 EXCEPTION.**

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

(Ord. 549, passed 10-12-2015)

**§ 115.17 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.

(Ord. 549, passed 10-12-2015)

**§ 115.18 PROPERTY TAX PAYMENTS MAINTAINED.**

The city 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.

(Ord. 549, passed 10-12-2015)

### **§ 115.19 ENFORCEMENT AUTHORITY.**

The City Administrator, Building Official, or designee, is hereby authorized and directed to enforce all of the provisions of the Le Sueur City Code and this chapter. 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 chapter, 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 Minnesota State Building Code, International Property Maintenance Code, or the Le Sueur City Code, including any provision of this chapter, shall be issued a notice and order. The notice and order shall contain:

(1) The street address or a legal description sufficient for identification of the premises upon which the building is located;

(2) A statement that the City Administrator, Building Official, or their designee, has found the building to be in violation of the Minnesota State Building Code, International Property Maintenance Code, or the Le Sueur City Code with a brief and concise description of the violation(s);

(3) A statement identifying what steps shall be taken to bring the property into compliance with the Minnesota State Building Code, International Property Maintenance Code, or the Le Sueur City Code;

(4) 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 Minnesota State Building Code, International Property Maintenance Code, or the Le Sueur City Code; and

(5) 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;

(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 Minnesota State Building Code, International Property Maintenance Code, or the Le Sueur City Code, or when the City Administrator, Building Official, 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 Minnesota State Building Code, International Property Maintenance Code, or the Le Sueur City Code, they may enter the building or premises at reasonable times to inspect or to perform the duties imposed by Minnesota State Building Code, International Property Maintenance Code, or the 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.

(Ord. 549, passed 10-12-2015)

### **§ 115.20 TEMPORARY RENTAL LICENSES.**

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

(1) The property is being sold and the owner and the owner's family are not residing at the property; and/or

(2) The owner and the owner's family are not residing at the property and the occupants are providing a caretaking function for the property.

(B) Six 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.



(C) The issuance of temporary rental licenses shall conform to all standards set forth in this chapter. (Ord. 549, passed 10-12-2015)

**§ 115.21 OFFENDER TRANSITIONAL HOUSING.**

(A) *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 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 section and another provision of the Le Sueur City Code, the more restrictive provisions shall prevail.

(B) *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:

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

(C) *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% of the total number of dwellings for developed neighborhoods within that radius, of 0.5% of the planned dwellings or permissible dwellings within that radius for partly undeveloped neighborhoods.

(D) *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% 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 ten persons.

(E) *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 division. 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:

- (1) Public parks in existence at the date of application for a license under this division;
- (2) A licensed family day care or child care facility in existence at the date of application for a license under this division;
- (3) 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 division.
- (4) A state licensed residential facility as referenced in M.S. § 462.357, § 115.07 of this code, and in existence at the date of application for a license under this division; and

(F) 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.

(G) *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.

(H) 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 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.

(I) 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, at which meeting the state agency will provide details to the public regarding the proposed offender transitional housing.

(J) 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.

(K) *Existing offender transitional housing.* Offender transitional housing existing on the date of the enactment of this ordinance shall immediately obtain a license under this division and shall comply with the other provisions of this section within 12 months of chapter adoption. If the property currently used for offender transitional housing does not conform to the provisions of this section, it shall cease operation within 12 months of the adoption of this section or adjust the operation of the offender transitional housing to comply with this section.

(Ord. 549, passed 10-12-2015)

**§ 115.99 PENALTY.**

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

(Ord. 549, passed 10-12-2015)

Effective Date: January 1, 2019

This Ordinance becomes effective from and after its passage and seven (7) days after its publication. This Ordinance was passed by the Common Council on **November 26 2018**.

ATTEST:

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Greg Hagg

Mayor

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Stacy Lawrence

Communications Director/City Clerk