

**DATE:** March 01, 2021  
**TO:** Honorable Mayor  
Members of the City Council  
**FROM:** Ben Schneider, Planner



**AGENDA ITEM:** 11A. Rental License and Inspection Ordinance Text Amendment

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**ACTION REQUESTED:** Approve the 1<sup>st</sup> reading of Ordinance 2021-04, which would amend the City's Rental License and Inspection City Code Chapter 124 to remove the crime free training requirement and to make the chapter more enforceable

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## BACKGROUND

This text amendment is a follow-up of the City Code Rental Licensing and Inspections Chapter review that took place at the February 16<sup>th</sup>, 2021 City Council meeting.

Per the direction of the Council, the amendment removes the requirement for rental owners to attend a crime free training program. Although, the crime free lease addendum requirement would remain and rental owners would still need to run background checks on prospective tenants.

The text amendment also cleans up language in the Violations Section 124.19 to make this Chapter more enforceable. The below language was provided to staff by the Scott County Attorney's Office. This change would maintain the current intent of having the first two violations only being administrative citations with the possibility of a misdemeanor after 2 offenses.

- The current language is the following: *It is a misdemeanor for any person to violate this chapter on two or more occurrences without successful appeal, whether or not the person paid the administrative penalties. The penalty which may be imposed for any crime which is a misdemeanor under the City Code shall be as listed in M.S. § 609.02, subd. 3, plus prosecution costs.*
- This would be the new language: *Every person who violates this chapter after having been assessed administrative penalties pursuant to City Code §§ 124.19(A) and 10.98, on two or more prior occurrences without successful appeal, whether or not the person paid the prior administrative penalties, is guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under the City Code shall be as listed in M.S. § 609.02, subd. 3, plus prosecution costs.*

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**STAFF RECOMMENDATION:** Approve the 1<sup>st</sup> reading of Ordinance 2021-04, which would remove the crime free training requirement from the City's Rental License and Inspection City Code Chapter

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**ATTACHMENTS:**

1. Draft Ordinance 2021-04 (Redlined)
2. Report from February 16<sup>th</sup> Meeting ([Link Only](#))

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**COUNCIL ACTION:**

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Approved: \_\_\_\_\_

Disapproved:

Tabled:

Other: \_\_\_\_\_

**CITY OF JORDAN**  
**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE CITY OF JORDAN, MINNESOTA AMENDING CITY CODE CHAPTER 124 TO MAKE CHANGES TO RENTAL LICENSING AND INSPECTIONS REGULATIONS**

**Subdivision 1. PURPOSE.** After undergoing a review of Chapter 124 of the City Code, the City Council has identified some changes to improve regulations related to rental licensing and inspections

**Subdivision 2. AMENDMENT.** NOW BE IT ORDAINED AND ENACTED by the City Council of the City of Jordan that City Code Sections 124.04(A), 124.06, and 124.19 shall be amended as follows:

**§ 124.04 LICENSE.**

(A) *When required.*

(1) No person shall operate a rental dwelling unless the owner thereof shall have first obtained a rental license for such rental dwelling as provided for in this chapter, and paid all fees outstanding associated with the rental license. Any rental license received under this chapter shall commence upon the date of issuance and, unless revoked or suspended, shall remain valid until the next applicable annual renewal date, provided no rental license shall extend for more than a 12 month period. A person who is operating a rental dwelling after the rental license has expired is operating an unlicensed rental dwelling.

(2) *Exceptions.* A rental dwelling is not subject to inspections if it is **being rented to a qualifying relative or** within a hotel, motel, hospital or nursing home, assisted living, group home, or independent living facility, or board and lodging home licensed and inspected by the State of Minnesota for compliance with state building and/or fire codes.

**§ 124.06 CRIME FREE.**

~~(A) *Crime free training.* An owner or property manager who owns or manages 1 or more rental dwelling(s) in the city must complete a crime free training program (or similar program) approved by the city's Police Department. A renewal of a rental license shall not be granted unless the owner (and property manager, if any) identified on the rental license application has completed such training.~~

~~(B)~~ **(A)** *Background checks.* An owner or property manager shall perform a criminal record check as that phrase is defined in § 32.21 of the City Code prior to entering into a lease, written or verbal, with a tenant.

~~(C)~~ **(B)** *Crime free/drug free lease addendum requirements.*

(1) Subject to any preemptory state and federal laws, all signed Tenant leases, including any lease renewal, for a rental dwelling executed after January 1, 2018, shall contain the following crime free addendum language or equivalent language:

(a) Tenant, any members of the Tenant's household or a guest or other person affiliated with the tenant shall not engage in illegal activity, including drug-related illegal activity, on or near the rental dwelling.

(b) Tenant, any member of the Tenant's household or a guest or other person affiliated with the Tenant shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity, on or near the rental dwelling.

(c) Tenant, any member of the tenant's household or a guest or other person affiliated with the tenant shall not permit the rental dwelling to be used for, or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.

(d) Tenant, any member of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance (as defined in § 102 of the Controlled Substance Act [21 U.S.C. 802]) on or near the rental dwelling.

(e) Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(f) The term "drug related illegal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in § 102 of the Controlled Substance Act [21 U.S.C. 802]).

(2) *Non-exclusive remedies.* The crime free/drug free addendum is in addition to all other terms of the lease and do not limit or replace any other provisions.

#### **§ 124.19 Violations.**

Every person who violates a subdivision, paragraph or provision of this chapter when such person performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful shall be liable for administrative penalties established from time to time by resolution of the City Council pursuant to City Code § 10.98. Every person who violates this chapter after having been assessed administrative penalties pursuant to City Code §§ 124.19(A) and 10.98, on two or more prior occurrences without successful appeal, whether or not the person paid the prior administrative penalties, is guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under the City Code shall be as listed in M.S. § 609.02, subd. 3, plus prosecution costs. ~~It is a misdemeanor for any person to violate this chapter on two or more occurrences without successful appeal, whether or not the person paid the administrative penalties. The penalty which may be imposed for any crime which is a misdemeanor under the City Code shall be as listed in M.S. § 609.02, subd. 3, plus prosecution costs.~~

**Subdivision 3. EFFECTIVE DATE.** This ordinance shall be effective as of March 15, 2021.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this 15<sup>th</sup> day of March, 2021.

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Mike Franklin, Mayor

ATTEST:

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Tom Nikunen, City Administrator

Moved by:

Seconded by:

Published:

Filed with Scott County:

DRAFT