

CITY OF BEMIDJI

ORDINANCE NO. 197, 3RD SERIES

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II OF THE BEMIDJI CITY CODE RELATING TO RENTAL HOUSING REGISTRATION CODE

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. Bemidji City Code Chapter 10, Article II, entitled “Rental Housing Registration Code” is hereby amended as follows:

Sec. 10-41. – Purpose.

The City of Bemidji recognizes the need for an organized, systematic inspection program of residential rental units within the City in order to ensure that rental units meet City and State safety, health, fire, building and zoning codes, and to provide a more effective system for compelling the correction of code violations and the proper maintenance of rental property within the City. Further, the most effective system to provide for rental inspections is the creation of a program requiring the registration of all residential rental units within the City so that an orderly inspection schedule can be undertaken by the City Building Department. This registration program is intended to protect and promote the health, safety and general welfare of the entire community.

Sec. 10-42. – Definitions.

BUILDING OFFICIAL – The officer or other designated authority charged with administration and enforcement of the code, or a duly authorized representative.

FAMILY - An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit;

(a) For purposes of this Article “related” will be interpreted herein to include any owner of record and an owner’s natural children, adopted children, foster children, spouse, parents or grandparents, siblings, uncles, aunts, nieces, nephews, guardianships, any significant other and any other dependent minors, residing with that owner as a family unit; “significant other” means romantic partner;

OCCUPANT – Any person living or sleeping in a building or having possession of a space within a building.

PERSON – The term “person” will mean any natural person, the person’s heirs, executors, administrators, or assigns, and also includes a firm, partnership or corporation, or their successors or assigns, or the agent of any of the aforesaid.

PROPERTY MANAGER – means the person or entity authorized to act as Owner’s agent in correcting deficiencies and providing the required services necessary to protect the health, safety and welfare of tenants and occupants or is able to contact the person so authorized.

RENTAL PROPERTY – A rental unit(s) occupied by a person or persons in the status of tenant(s), and will include “lease to buy, contract for deed, installment sale purchases”, and other similar arrangements whereby nonpayment of a periodic payment or nonperformance of a periodic service means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure or a statutory repossession procedure.

RENTAL CERTIFICATE OF OCCUPANCY – A Certificate of Occupancy issued by the Building Official serves as notice that the basic rental requirements of this Ordinance have been satisfied as of the date issued. The Certificate of Occupancy will indicate the maximum number of occupants and the maximum number of unrelated tenants.

RENTAL CHARGE – Any compensation, either monetary or “in lieu of” payments, such as but not limited to utilities, upkeep, repair, or the provision of services.

RESIDENT MANAGER – An on-site manager who is on-site or available 24 hours a day, and who must be able to pass a background check as required by Minnesota Statutes Section 299C.68-299C.71.

RENTAL LICENSE – A license issued to a property owner authorizing the operation of a rental unit(s).

RENTAL UNIT – A single unit providing complete, separate living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and is occupied by a tenant(s) for 30 days or more at a time.

TENANT – A person, that is not a family member of the property owner, who is occupying a residential rental unit under lease or contract, written or oral, that requires the payment of money or exchange of services.

Sec. 10-43. – Applicability and exceptions.

- (a) The provisions of this Ordinance will apply to all rental property and rental units, including rented single-family dwellings and duplexes, manufactured homes, and rented rooms or rental units in owner-occupied dwellings.
- (b) The provisions of this Ordinance will not apply to jails, hospitals, parish houses, manses and rectories, hotels, motels, nor to any dormitory owned and operated by an educational institution, nor facilities licensed by the State of Minnesota if those facilities are regularly inspected by the State Building Official
- (c) The provisions of this Ordinance will not apply to rental units that are licensed as Short-Term Rentals by the current Zoning Ordinance and does not rent to any tenant for more than thirty (30) consecutive days. The provisions of this Ordinance will apply to a licensed Short-Term Rental if a rental tenancy exceeds thirty (30) consecutive days. A rental property may be licensed as a Short-Term Rental and licensed under this Ordinance.
- (d) The provisions of this Ordinance will not apply to properties that have been registered at the Beltrami County Assessor’s Office as a “relative homestead” property when occupied only by family member(s) only as defined above. Properties designated as

a relative homestead but are occupied by any individual that is not defined as a family member is subject to this ordinance.

Sec. 10-44. –Rental License required.

- (a) No person will occupy, allow to be occupied, or to let another for occupancy, any rental property in the City of Bemidji without first having obtained a License from the City under the terms of this Section.
- (b) Dwelling units constructed or converted to rental usage after the effective date of this Ordinance will not be occupied for human habitation prior to inspection and issuance of a License and a Rental Certificate of Occupancy by the City.
- (c) The payment of fees set forth in this Code Section will be a prerequisite to this required licensing.
- (d) An application for registration will be made upon forms furnished by the City Building Department for such purpose and will require the minimum information required under Section 10-47.
- (e) After inspection, the Building Department will issue a Certificate of Occupancy that indicates the number of occupants based upon the guideline standards set forth in the International Property Maintenance Code, and any amendments thereto as the code is updated from time to time.
- (f) After inspection, the Building Department will issue a Certificate of Occupancy that will indicate the maximum number of unrelated occupants.
 - (1) For new rental licenses issued after the adoption of this Ordinance, the maximum number of unrelated occupants will be no more than the number of approved parking spaces available. The number of unrelated occupants cannot exceed the maximum permitted number of occupants.
 - (2) For rentals licensed with a current Rental Permit, as of the adoption of this Ordinance, the maximum number of unrelated tenants shall be the same as the number stated on that Rental Permit. The license holder will be permitted to increase the current number of unrelated tenants by one for each additional approved parking space provided that meets the most current Zoning Ordinance. This condition shall be met if the property already has on approved space for each unrelated tenant requested by the license holder. The number of unrelated tenants can never exceed the maximum permitted number of occupants.

Sec. 10-45. – Property manager or Resident manager required.

No license will be issued or renewed for a rental unit unless the owner designates in writing in the license application the name of a local property manager or resident manager residing within a one hour drive of the corporate limits of the City of Bemidji, who is responsible for management, maintenance and upkeep of the unit(s) and who is authorized to accept service of process and receive service of notice of ordinance violations, orders, or process pursuant to law. An owner, property manager and resident manager may be the same person. An owner will notify the City Building Department within

at least 10 business days of a change in the identity of a property manager or resident manager.

Sec. 10-46. – Manner of Application; License Expiration and Renewal; and, First-time Rental License Fee.

- (a) A License will be issued annually and expire on December 31st, following the issuance therefore. License renewal applications for the following year, along with the required fees, will be filed on or before November 15 of the current year, if this date falls on a weekend, the first week day following. On or before October 1, the City will provide notice of registration renewal and renewal application forms to the property owner or designated manager. The renewal application may be in such abbreviated form as deemed sufficient by the Building Official to verify current information on file concerning ownership and the rental unit(s).
- (b) Upon receipt of a completed application for the license required under this Article and payment of the applicable license fee, the City Building Department will issue a Rental Certificate of Occupancy after the rental unit has been inspected as provided for in Sections 10-52 & 10-53.
- (c) The City Building Department will not register or renew a rental unit or allow it to be occupied as a rental unless the licensee has paid all property taxes assessed to the property and the property is not delinquent in any other obligation to the City of Bemidji, including payment of the First-time rental registration fee in subsection (f).
- (d) Except as otherwise provided in this Article, any application for the renewal of an expired license will be processed as a new license application and the rental unit must comply with all applicable laws, including Building Code.
- (e) *First-time rental license fee.*
Any rental unit not currently registered pursuant to this Section on the effective date of this Ordinance, will be subject to a first-time rental fee at the time it is initially registered as a rental unit. The first-time rental license fee includes the initial annual rental license fee. The payment of the first-time rental fee will be a prerequisite to the required registration and will be in the amount set by the City Council in the City's Fee Schedule Ordinance as the same may be amended from time to time. Upon receipt of a completed renewal application form and payment of the applicable fee, the City will schedule an inspection pursuant to Section 10-53. Issuance of a license prior to inspection is not a determination that the rental unit complies with code requirements.
- (f) *Late fee*
Failure to timely file a renewal application will result in a late fee being assessed in an amount set by the City Council in the City's Fee Schedule Ordinance, as the same may be amended from time to time.
- (g) *Owner/Manager training.*
If required under Section 10-58 (d), prior to renewing a license, Owners of rental dwellings, and/or their property or resident managers, must attend, at a minimum, the Phase I Crime-Free Multi-housing Educational Course or similar course as approved or certified by the City Manager, as a condition of renewing a license. The cost of attending the educational requirements under this section will be paid by the Owner,

and are in addition to any license renewal and inspection fees. With the assistance of the City Manager, the City Police Department will implement Crime-Free Education Program Course(s) and establish the program course cost, schedule of course availability, and programming content. Courses will be available to the public on a voluntary basis as well.

Sec. 10-47. – Application for new Rental License; register of occupancy.

(a) The owner of each rental unit will make written application to the City Building Department for registration of the rental unit(s). Application for a Rental License will be made upon forms furnished by the City Building Department and will specifically set forth the following information:

- (1) The name, address and telephone number of the recorded owner of the rental unit(s); if a partnership, the name of the partnership, and the name, address and telephone number of the managing partner; if a corporation, the name and address of the corporation.
- (2) The name, address and telephone number of a designated local manager as required under Section 10-45. This is the person authorized to make or order repairs and/or service to the building, provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact the person so authorized.
- (3) Name, address and telephone number of vendor, if the rental unit is being sold by a Contract for Deed.
- (4) The street address of each rental unit.

Number and types of rental units within a dwelling.

A site drawing, to scale, showing proposed designated off-street parking areas for proposed rental property. Property must comply with the off-street parking requirements of the most current Zoning Ordinance that governs parking requirements for that property at the time of the license application.

- (6) If applicable, verification showing that the license holder and/or manager have completed the required Crime-Free Housing education training from any of the program(s) and/or agencies certified to conduct such training.
- (7) Tax Clearance Form as required by MN 270C.72, Subd. 4.

(b) An incomplete application may be rejected by the City.

Sec. 10-48. – Transferability of license(s).

No license will be transferable to another person or to another rental unit without registration of such transfer with the City Building Department. Every person holding valid license will give notice in writing to the City Building Department within five (5) business days after having transferred or otherwise disposed of a rental unit. Such notice will include the name, and if known, the address and telephone number of the new owner and, if applicable, a manager in control of the rental unit. The new owner or manager will have ten (10) business days to

re-register the units and pay the \$25.00 transfer fee after acquiring them. If any change in the number of rental units or in the type or occupancy as originally registered is contemplated, a new registration application and inspection is required along with payment of an additional license fee to cover additional rental units. Failure to register transfer of ownership will be subject to a Failure to Transfer Fee.

Sec. 10-49. – Posting of registration.

Each Rental Certificate of Occupancy issued by the City Building Department will be displayed in a conspicuous spot near the front entrance of a single unit rental dwelling, or in a public corridor, hallway or lobby of a multiple unit dwelling, and will be visible to all residents. Only one Certificate need be posted for each separate apartment building. Failure to post the Certificate will not be grounds for suspension or revocation of a rental license, but such violation may subject the licensee to a \$50 penalty for issuance of a new Rental Certificate of Occupancy.

Sec. 10-50. – Fees.

Fees for licenses, renewals, inspections, penalties, reinstatement and appeals, will be in the amount set by the City Council from time to time in the City Fee Schedule Ordinance, a copy of which will be on file in the offices of the City Clerk. The license fee is non-refundable in the event of discontinuance of use, sale, or the revocation or suspension of a license.

Whenever any person fails to pay the registration fees or other fees associated with this Article, the City may assess these fees against the property for which they were assessed and such assessed fees will be certified as other taxes are certified.

Sec. 10-51. – Registration standards and conditions.

The following minimum standards and conditions will be met in order to hold a License. Failure to comply with any of these standards and conditions will be adequate grounds for the denial, refusal to renew, revocation, or suspension of a License or Rental Certificate of Occupancy.

- (a) License holder will have paid the required license fee(s);
- (b) Rental units will not exceed the maximum number of rental units allowed by the Zoning Code;
- (c) The rental unit will not be under condemnation as hazardous or unfit for human habitation;
- (d) Every rental unit will be maintained in accordance with the minimum standards set forth in the applicable codes adopted by the City including current City Code; Property Maintenance Code; Minnesota Building Code; Minnesota Residential Code, and the local Zoning Ordinance, as the same may be amended from time to time, as adopted. No Rental Certificate of Occupancy may be issued unless each rental unit for which it is issued meets the minimum applicable housing, building, and zoning standards.
- (e) All rental units that were unlicensed on the effective date of this Ordinance and subsequently registered or converted to registered rental unit(s), will provide the off-

street parking spaces required under this Article. The number of required off-street parking spaces will be determined by any applicable planning and zoning ordinances at the time of Inspection.

- (f) All rental units registered on the effective date of this Ordinance may continue to be registered even though the property does not conform to the off-street parking requirements of this Section. However, if the number of bedrooms, or number of rooms occupied as bedrooms, is increased, the off-street parking requirements of this Section will apply to the entire registered property. If the registration for the nonconforming rental is revoked or lapses for any period of time, all nonconforming use rights related to off-street parking requirements will terminate.
- (g) *Addenda Required.*
All tenant leases, subject to all preemptory state and federal laws, will contain and/or incorporate the Crime Free/Drug Free Addendum as the same is set forth in The Minnesota Crime Free Multi-Housing Program materials and the Violence Against Women Act Addendum.
- (h) Every license holder, or their manager, will maintain a current register of all tenants and other persons with a lawful right of occupancy to each rental unit. The register will be kept current at all times and will be available for inspection by the City at all times. Failure to maintain a current register or to allow the City inspection of the register may result in suspension of the license.
- (i) The City Building Department will be promptly notified of any change of the manager, and any change in the names, addresses, and other information concerning the persons listed in the last registration application filed with the City Building Department.

Sec. 10-52. – Inspections, generally.

- (a) The City Building Department, with the assistance of the Police and Fire Departments personnel, will make inspections necessary to the enforcement of this Article. The City Building Official will adopt a policy with guidelines for the systematic inspection of all rental units and priorities for the use of available inspection resources. A Rental Unit must meet all code compliance requirements to be issued a Rental License and to retain a license after issuance and subsequent renewal(s). Guidelines will be based upon the following factors and any other factors which promote an efficient inspection program:
 - (1) Receipt of a completed renewal or new rental application form and payment of the applicable fee(s).
 - (2) Property inspections will be conducted on each rental unit at least every two (2) years. Rentals that require three (3) or more inspections to complete a compliance order, or have substantiated complaints, may move to a one (1) year inspection schedule until brought into compliance and prove that compliance is maintained. Inspection fees will be applied per the City's Fee Schedule Ordinance as the same may be amended from time to time.
 - (3) Property identified as having an excessive number of housing code violations or a history of noncompliance or slow compliance with housing inspection orders. If excessive code violations exist for a rental property, the Building Official will be

required to research all rental properties held by that person to determine if immediate inspections are required for any additional properties.

- (4) Geographic distribution and concentration of rental units.
 - (5) Rental units with delinquent property taxes.
 - (6) Rental units for which no Rental License has been applied.
 - (7) Sales of rental property.
 - (8) Rental units for which a written complaint is received.
 - (9) Reason to believe a rental ordinance violation exists.
 - (10) A copy of the rental inspection report will be provided to the tenant of the unit either by email (if known) or a printed copy will be left at the inspected unit.
- (b) The Building Official may elect to issue a renewal license pending completion of an inspection, or in the opinion of the Building Official and based upon and warranted by the rental history of the registered premises, decide to issue a renewal license and postpone an inspection until the next renewal or sooner as compliance issues and conditions warrant. Issuance of a License prior to inspection is not a determination that the rental unit complies with code requirements.
- (c) Egress Requirements
- (1) All new rental units within the City of Bemidji will comply with current Minnesota Residential Building Code for Egress requirements.
 - (2) Existing rental units will follow the requirements listed below:
 - a. If the dwelling unit was constructed before July 1, 1972, ANY window is acceptable for egress in a room constructed as a bedroom, provided that a window is original. New/updated windows must be the largest possible for the existing opening.
 - b. If the dwelling unit was constructed after July 1, 1972 through January 14, 1976, the minimum requirement is 5.0 square feet, 22-inch width and 22-inch height of opening and a maximum 48-inch sill height.
 - c. If the dwelling unit was constructed after January 14, 1974 through September 17, 1978, the minimum requirement is 5.0 square feet, 22-inch width and 22-inch height of opening and a maximum 44-inch sill height.
 - d. If the dwelling unit was constructed after September 18, 1978 through February 15, 1987, the minimum requirement is 5.7 square feet, 20-inch width, 24-inch height and a 48-inch sill height.
 - e. After February 17, 1987, the minimums are 5.7 square feet, 20-inch width, 24-inch height and 44-inch sill height.
 - f. After July 10, 2007, 5.0 square feet is acceptable for grade level.
 - g. If a bedroom does not have an egress door or window that meets these requirements, the license holder will have one (1) year from the date of inspection to install an egress door or window that cannot be less than the standard based on the age of the building. If compliant egress is not provided, that bedroom will

no longer be included in the square footage used to determine the permitted number of occupants. If no bedroom space is available after one (1) year, the license will be revoked.

- h. If any bedroom window is replaced, that bedroom window cannot be less than the standard based on the age of the building. In addition, the replacement window must be the largest standard size that will fit within the existing framing or existing rough opening and must be the operating style of window that will provide the largest window opening area. If the window rough opening is reframed, that window must meet the current Minnesota Residential Building Code.

Sec. 10-53. – Inspection access.

- (a) All premises registered pursuant to this Ordinance will be made available for inspection by the City. The City Building Department will provide reasonable advance notice at a minimum of 5 (five) business days to the owner and/or manager. If denied access while attempting to inspect, the City Building Department may suspend or revoke the License or Rental Certificate of Occupancy upon written notice to the occupant, owner and manager, and subject to the right of appeal as provided in Section 10-60. The suspension or revocation will remain in effect until inspection has been permitted and any violations found are corrected.
- (b) It is the owner and/or manager's responsibility to notify tenants of the inspection as required by Minnesota law, in advance of the inspection.

Sec. 10-54 – Enforcements, generally

In order to compel the compliance with the registration requirements, the Building Official or designated staff will have the authority to enter any structure, at reasonable times and upon five (5) days written notice to the property owner(s), to determine if said structure is operated as a rental property as defined in Section 10-42 or to enforce the International Property Maintenance Code, or both. In addition to those cases where emergency conditions endangering a person or property exist, where either the Bemidji Police Department or the Bemidji Fire Department has responded to a property and/or structure, the Building Official or designated staff will have the authority to enter any such property and/or structure at any time by or at the request of the Police Department or the Fire Department to enforce any provisions of this Article.

Sec. 10-55. – Determination of noncompliance; notice.

- (a) Whenever an inspection reveals that any rental unit(s) fails to meet the registration standards of this Ordinance, the Building Official will give a Notice and Compliance Order to the owner and/or the manager, and to the occupant, specifying the reasons why the rental unit(s) fails to meet the registration standards and, will include a copy of the inspection report if applicable. The Order will set forth the violations and order the owner or manager, as the case may require, to correct such violations. The Compliance Order will:
 - (1) Be in writing;
 - (2) Describe the location and nature of the violations;

- (3) Establish a reasonable time for correction of such violations, not to exceed 90 days, unless such time is extended by agreement with the Building Official; and
- (4) Include information describing how an appeal may be filed.
- (b) Every occupant of the rental unit will give the owner and/or manager or their contractor access to the rental unit at all reasonable times for the making of repairs or alterations as are necessary to effect compliance with an Order.
- (c) At the end of the period allowed for the correction of violations specified in the Compliance Order, the premises will be re-inspected to determine whether corrective actions have been sufficient to bring the violation(s) into compliance. If the premises are in compliance at the time of the reinspection, a Rental Certificate of Occupancy may be issued.

Sec. 10-56. – Emergency cases; summary action.

Whenever a violation of this Ordinance poses imminent peril to life, health, or property, the Building Official may require immediate compliance, and if necessary take appropriate action to protect that life, health or property, including declaration that the rental unit(s) is hazardous and unfit for human habitation and treated consistent with the provisions of the housing code and Minn. Stat. Sec. 463.15, 463.16 relating to hazardous buildings. Notice of summary condemnation will be posted at the rental unit(s) or areas affected and will indicate the rental units or areas affected. No person will remove the posted notice other than the Building Official or their designated representative.

Sec. 10-57. - Trash Removal for Rental Units.

- (a) Rental units must have regularly scheduled weekly trash pick-up.
- (b) If the trash has not been removed within seven (7) days of the normally scheduled pick-up, the trash will be removed under emergency abatement procedures.
- (c) If the lack of trash removal becomes a recurring problem, refuse service will be authorized by the City and will be assessed on the property's utility bill.

Sec. 10-58. – Conduct on Registered Premises.

- (a) For purposes of this section, a rental unit is disorderly at which any of the following activities occur and result in the issuance of a criminal and/or administrative citation, also known as a "strike," or the filing of formal criminal charges:
 - (1) Conduct which constitutes a violation of Chapters 6 and 14-31 and 14-34 of the Bemidji City Code relating to public nuisances.
 - (2) Conduct which constitutes a violation of Section 18-32 of the Bemidji City Code relating to noisy parties and other unnecessary and loud noises.
 - (3) Conduct which constitutes a violation of laws relating to the possession of controlled substances, as defined in Minnesota Statutes Section 152.01 et seq.

- (4) Conduct which constitutes a violation of Section 18-31 of the Bemidji City Code relating to disorderly conduct or creating a breach of the peace or violation of laws relating to disorderly conduct as defined in Minnesota Statutes 609.72.
 - (5) Conduct which constitutes a violation of Chapter 4 of the Bemidji City Code relating to minors possessing or consuming alcohol, and relating to providing alcohol to minors, or violation of Minnesota Statutes, Sections 340A.701, 340A.702 or 340A.703, relating to the sale of intoxicating liquor.
 - (6) Conduct relating to contribution to delinquency of a juvenile as defined in Minnesota Statutes, Section 260B.425.
 - (7) Conduct related to a crime committed for benefit of a gang as defined in Minnesota Statutes, Section 609.229.
 - (8) Conduct relating to prostitution or indecent exposure, or a violation of laws relating to prostitution or acts related to prostitution as defined in Minnesota Statutes, Sections 609.321-609.324.
 - (9) Conduct relating to aiding an offender as defined in Minnesota Statutes, Section 609.495.
 - (10) Conduct which constitutes a violation of laws relating to unlawful use or possession of a firearm as defined in Minnesota Statutes, Section 609.66 et seq., on the registered premises.
 - (11) Conduct which constitutes a violation of laws relating to assaults, or Section 609.221 et seq., of the Minnesota Statutes relating to assaults, not including domestic assaults, as defined in Minnesota Statutes, Section 609.224, or in which the tenant is the victim.
 - (12) Conduct which constitutes a violation of Section 609.595 of the Minnesota Statutes relating to criminal damage to property.
 - (13) Conduct relating to obstruction of legal process as defined in Minnesota Statutes, Section 609.50.
 - (14) Conduct which constitutes a violation of Section 609.713 of the Minnesota Statutes relating to terroristic threats.
 - (15) Medical emergencies are exempt from this section.
- (b) The City Building Official or their designee will be responsible for administration of this section. The authority to take any action authorized under this section may be delegated to the City Building Official's authorized designee or designees.
 - (c) Upon determination by the City Building Official or their designee that a registered rental unit was used in a disorderly manner, as described in subsection (a) of this section, the City Building Official or their designee, will give notice to the license holder and the tenants of the rental unit affected, of the violation and direct the Rental License holder to take steps to prevent further violations.
 - (d) A strike letter will provide a tenant(s) the opportunity to provide additional information that could prevent or rescind any strike, regardless if it is a first, second, or third strike.
 - (e) If second instance of disorderly use of the same registered rental unit occurs within twelve (12) months of an incident for which a notice in subsection (c) of this section was given, the City Building Official, or their designee, will notify the license holder and

the renters of the affected unit of the violation and may require the registration holder to submit a written report of the actions taken, and actions proposed to be taken, by the registration holder to prevent further disorderly use of the premises. This report will be submitted to the City Building Official, or their authorized designee, within ten (10) business days of receipt of the notice of disorderly use of the premises, and will detail all actions taken by the registration holder in response to all notices of disorderly use of the premises within the preceding twelve (12) months. Upon the occurrence of a second instance of disorderly use resulting in the issuance of a citation or the filing of formal criminal charges as described in subparagraph (a) above, within twelve (12) months, the registration holder or their manager also may be required to attend and complete the Crime Free Education Course described in Section 10.46(h) of this Ordinance. The Course will be completed prior to the end of the then current license cycle, and proof of attendance and verification of Course completion will be submitted with the annual license renewal application as described in Section 10.47(a)(10). Multiple unit ownership notwithstanding, no individual registration holder or manager will be required to attend and complete more than one (1) Course in any one (1) calendar year (January 1 to December 31).

- (f) If a third instance of disorderly use of the rental unit registered premises occurs within twelve (12) months after any two (2) previous instances of disorderly use for which notices were given to the registration holder and the cited tenant(s) of the affected unit, pursuant to this section, the rental dwelling license or Rental Certificate of Occupancy for the rental unit may be denied, revoked, suspended or not renewed if the actions proposed to be undertaken by licensee pursuant to subsection (d) of this section are inadequate and/or are not being diligently pursued. An action to deny, revoke, suspend or not renew a license or Rental Certificate of Occupancy under this section may be initiated by the City Building Official, or their designee, pursuant to the procedures set out in section 10-60 of this Article.
- (g) If a tenant that is the subject of the instance of disorderly use described in subsection (a) ceases to rent the unit subject of the same (in a multi-unit complex), then the number of instances against the specific unit may be reset. However, if the tenant relocates to another unit within the same licensed multi-unit rental property, the instance(s) will follow the tenant to the new unit.
- (h) Though an incident of disorderly use of a rental unit does not result in the issuance of a citation, the incident nonetheless will result in a letter being sent by the City to the license holder, advising of the incident and of police being called to the rental unit. The incident must have resulted in the police being called to the rental unit and in a police report being prepared.
- (i) For purposes of this chapter, "disorderly use of the rental unit registered premises" will mean disorderly use in the particular rental unit by the tenants, occupants or guests or conduct by the tenants which constitutes disorderly use anywhere on the property of the apartment building or home or mobile home park in which the rental unit is situated.

Sec. 10-59. - No Retaliation.

No license holder or manager may evict, threaten or evict or take any other punitive action against any tenant by reason of good faith calls made by such tenant to enforcement agencies and/or City officials relating to criminal activity, suspected criminal activity, suspicious occurrences, public safety concerns or property maintenance concerns. This section will not prohibit the eviction of tenants from a rental unit for unlawful conduct of a

tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting enforcement agencies.

Sec. 10-60. - License Suspension, Revocation, Denial and Non-Renewal.

- (a) The Building Official may revoke, suspend, deny or decline to renew any rental license or Rental Certificate of Occupancy issued under this section upon any of the following grounds.
 - (1) False statements on any application or other information or report required by this Article to be given by the applicant or license holder.
 - (2) Failure to pay any application, penalty, reinspection or reinstatement fee required by this Article and City Council Fee Ordinance or resolution.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Any other violation of this Article.
- (b) The Building Official may, for good cause, authorize additional time to correct the defects that cause the violation.
- (c) If the defects create an imminent hazard to health or safety, the Building Official may proceed immediately for denial, non-renewal, revocation, or suspension of a license or Rental Certificate of Occupancy.
- (d) A decision to revoke, suspend, deny or not renew a license or Rental Certificate of Occupancy will be preceded by written notice to the license holder and manager of the alleged grounds therefore and the applicant or license holder will be given an opportunity for a hearing before the Housing Appeals Board before final action to revoke, suspend, deny or not renew a license. The notice will include information describing how an appeal may be filed.
- (e) Upon a decision to revoke, deny or not renew a license or Rental Certificate of Occupancy, no new application for the same owner and for the same rental unit(s) will be accepted for a period of time specified in the Building Official's written decision, not exceeding one year. Such new applications must be accompanied by a reinstatement fee, in addition to all other fees required by this Article.
- (f) A written decision to revoke, suspend, deny or not renew a license or Rental Certificate of Occupancy will specify the rental unit(s), if more than one occur together in a dwelling structure, to which it applies. Written notice of a suspension, revocation, non-renewal or denial of a license or Rental Certificate of Occupancy and the reasons therefore will be mailed to the owner and manager and posted in a conspicuous place on the premises, and both notices will order the vacation of the affected rental units within a reasonable time. Thereafter, and until a license or Rental Certificate of Occupancy is reissued or reinstated, no rental units becoming vacant as specified may be relet or occupied. Revocation, suspension or non-renewal of a license or Rental Certificate of Occupancy will not excuse the owner from compliance with all terms of this Article for as long as any units in the dwelling structure are occupied.

- (g) Failure to comply with all terms of this Article during the term of revocation, suspension or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the Rental License or Rental Certificate of Occupancy, notwithstanding any limitations on the period of suspension, revocation or non-renewal specified in the Building Official's written decision or the provisions of paragraph (d) of this subdivision.
- (h) Rental units within a structure which are in compliance with the registration standards may continue on condition that units and other portions of the dwelling in non-compliance do not create an immediate hazard to the health and safety of the persons in the occupied units.
- (i) A reinstatement fee will be charged to the owner of a rental unit the registration of which has been revoked. Before a registration license or Rental Certificate of Occupancy is re-issued any violations or deficiencies must be corrected prior to inspection and any outstanding fees must be paid in full.
- (j) As a conditional of a Rental License or Rental Certificate of Occupancy reinstatement, the Building Official may require a probationary period up to 18 months for any Rental License holder that has been subject to a Rental License revocation or suspension. During the probationary period, the Building Official may revoke or suspend the Rental License or Rental Certificate of Occupancy with written explanation of any new violations. The Building Official may also, at their discretion, require on-site management as part of any corrective action with written explanation of the violation(s).

Sec. 10-61. – Right of Appeal.

- (a) Any person aggrieved by a decision of the Building Official, by a Compliance Order, or a decision to deny, suspend, revoke or not renew a license or Rental Certificate of Occupancy, may appeal to the Housing Appeals Board by filing a written notice of appeal with the Building Inspectors Office within ten (10) business days after receipt of such order or notice. The appeal will contain a statement setting forth the grounds for the appeal and be accompanied by the applicable fee. The timely filing of a written appeal will stay all proceedings until the appeals process is completed, unless such stay would cause imminent peril to life, health or property.
- (b) The Housing Appeals Board will meet as needed, or at the call of the chair, to hear appeals. A hearing will be held within **30 days** after filing of an appeal. The City Clerk will provide the appellant **five (5) business days** written notice of the time and place of the hearing. If necessary to do so, the Board may postpone a hearing to a later date, not to exceed **60 days** after the filing of an appeal.
- (c) The Board will hear all relevant evidence and argument. The Board may admit evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Housing Appeals Board will give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and will issue a decision to deny, not renew, suspend or revoke a license or Rental Certificate of Occupancy only upon written findings. The Board will tape record the hearing and keep a record of documentary evidence submitted.

- (d) The Board will issue its decision in writing **fifteen (15) days** after the close of the hearing. The decision will either deny or uphold the decision of the Building Official or may grant a Registration License upon such terms and conditions as the Board deems necessary to accomplish the purposes of this Article. A copy of the decision will be mailed to the appellant. Notice of the final decision also will be mailed to each occupant.
- (e) The decision of the Board may be appealed by filing an appeal or appropriate writ with the Beltrami County District Court within fifteen (15) days after the issuance of the Board's written decision.

Sec. 10-62. – Vacation.

When an application for a Rental License has been denied, or a Rental License or Rental Certificate of Occupancy has been revoked, suspended, or not renewed, the City Building Official will order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Sec. 10-63. – Administrative modification.

Whenever there are practical difficulties or unnecessary hardships in carrying out the strict enforcement of this Ordinance, the Building Official, and similarly the Housing Appeals Board, may waive or modify compliance standards, providing there is otherwise substantial compliance with these provisions, and such waiver or modification will not be detrimental to the public health and safety of the occupants of the rental unit(s) and, without impairing the intent of this Ordinance.

Sec. 10-64. – Notices.

Whenever a written notice is required to be sent or served under this Article, notice will be deemed sufficient if sent by first class mail to the owner or manager at the address(es) specified in the last rental license application filed with the City Building Department. When required, notice will also be posted on the rental unit or dwelling.

Sec. 10-65. – Applicable Laws.

Registration Licenses will be subject to all of the ordinances of the City of Bemidji and the State of Minnesota relating to rental dwellings, and this Article will not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

Sec. 10-66. – Severability.

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision will not affect the validity of the remaining portions of this Article.

Sec. 10-67. – Violations and penalties.

- (a) Violations of the provisions of this Section will be enforced by any one, all or any combination of the following penalties or remedies:

- (1) A violation of any of the terms of this Section will be guilty of a misdemeanor and, upon conviction, will be punished in accordance with Sec. 1-13 of the Bemidji City Code.
 - (2) Violations may be enforced as administrative offenses pursuant to Sec. 1-14 of the Bemidji City Code.
 - (3) This section may also be enforced by injunction, abatement, mandamus or any other appropriate remedy in any court of competent jurisdiction.
- (b) Each violation of this Ordinance will constitute a separate offense.

SECTION 2. This Ordinance will become effective thirty (30) days after its passage and publication according to law.

Yeas: Prince, Rivera, Thayer, Johnson, Eaton, Fiskevold Gould, Peterson
Nays: None
Absent: None

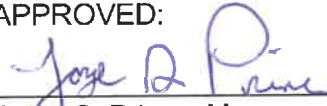
First Reading: April 3, 2023
Second Reading: April 17, 2023
Final Reading: May 1, 2023

ATTEST:



Michelle R. Miller, City Clerk

APPROVED:



Jorge S. Prince, Mayor