

SECTION 7.03. REGISTRATION AND REGULATION OF RENTAL UNITS.

Subdivision 1. Purpose. The purpose of this Section is to provide minimum standards for rental dwelling units in the City of Medford. Objectives of this Section include, but are not limited to:

- (a) Protect the character and stability of residential areas within the City.
- (b) Correct and prevent housing conditions that adversely affect, or are likely to adversely affect life, safety, health and general welfare of the renting public.
- (c) Provide minimum standards for heating, sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of rental dwelling units.
- (d) Provide minimum standards for the maintenance of existing rental residential buildings, thus preventing substandard housing and blight.
- (e) Preserve the value of land and buildings throughout the city.
- (f) Limit or prevent the existence of debris or other public nuisances on the exterior premises or in the common areas of rental properties that has a detrimental effect upon the city's neighborhoods, the tenants residing in the rental properties, citizens residing in close proximity to the rental properties, and the public health, safety, welfare and morals of those who live there.
- (g) Limit or prevent persons residing in rental property in Medford from engaging in disorderly conduct which results in a hostile environment for other Medford citizens living within rental property or in proximity to rental property.

Subdivision 2.0. General Provisions.

- A. Jurisdiction. This Section shall be applicable to all rental dwelling units within the legal boundaries of the City of Medford. Every building and its premises used in whole or in part as a rental dwelling unit, for a single family or person, and every building used in whole or in part as a dwelling having two or more families or persons living in separate units shall conform to the requirements of this Section irrespective of when such building may have been constructed, altered or repaired. This Section established minimum standards for rental dwelling units and related premises.
- B. Interpretation and Application. The provisions of this Section shall be considered minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Subdivision 3. Definitions. The following words and terms as used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

- A. "Dwelling" means a residential building, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including rest homes, convalescent homes, nursing homes, hotels, motels, and facilities licensed by the State of Minnesota as institutional occupancies or dormitories.
- B. "Rental Dwelling Unit" means a residential building or portion thereof, room or group of rooms, wholly or partly used or intended to be used as a single habitable unit for living, sleeping, cooking, or eating purposes by human occupants, rented or offered for rent by any person to any other person for use

for residential purposes. "Rental Dwelling Unit" means and includes apartments, single-family dwellings, or manufactured (mobile) homes. "Rental Dwelling Unit" does not include rest homes, nursing homes, hotels, motels, dormitories, or facilities licensed by the State of Minnesota as institutional occupancies.

- C. "Building Inspector" means the building inspector appointed by the City of Medford or authorized designee.
- D. "Accessory Structure" means a subordinate structure on the same lot as the principal dwelling or dwellings, and which is not used nor authorized to be used for living or sleeping by humans occupants.
- E. "Egress" means an arrangement of exit facilities to assure safe means of exit from a building with specific dimensions as required in this code or any applicable code.
- F. "Exit" means a continuous and unobstructed means of egress to a public way. Exit includes intervening doors, corridors, ramps, stairways, and courts.
- G. "Occupant" means any person living, sleeping, eating or cooking within a dwelling unit.
- H. "Person" means any individual, firm, partnership, association, corporation, company or joint venture or organization of any kind.
- I. "Premises" means the dwelling and its land and all buildings thereon.
- J. "Rent" means any consideration paid for the exclusive use of the dwelling unit, including, but not limited to, money, services or a combination thereof, paid or delivered at fixed intervals periodically agreed upon.
- K. "Repair" means to restore to a sound, acceptable state of operation, serviceability or appearance.
- L. "Safety" means the condition of being reasonably free from danger and hazards which may cause injury or illness.
- M. "Sound Condition and Good Repair" means that the rental dwelling unit on its structural elements, fixtures, facilities or equipment are in a safe and acceptable condition and appearance and in good working order and operation.
- N. "Disorderly Use" shall mean that conduct occurring on the rental premises which violates any of the following provisions of Medford Code or Minnesota Statutes:
 - 1. Disorderly Conduct, Medford Code Section 11.01.
 - 2. Public Nuisances, Medford Code Section 11.20.
 - 3. Discharge of Firearms, Medford Code Section 11.21.
 - 4. Dog Regulations, Medford Code Section 11.23.

5. Unlawful Sale or Use of Controlled Substances, Minn. Stat. Sec. 152.01 through 152.025 and 152.027, Subd. 1 and 2.
6. Unlawful possession, transportation, sale, or use of a weapon, Minn. Stat. Sec. 609.66 through 609.67 and 624.712 through 624.7181.
7. Dangerous Dogs, Minn. Stat. Sec. 609.226 and 347.50 through 347.56.

Subdivision 4. Registration Certificate Required.

- A. No owner of a dwelling shall allow another person to occupy, nor shall any person let another for occupancy, any rental dwelling unit without first obtaining a registration certificate as provided in this Section, or at any time that the registration certificate, or the right to receive such a registration certificate is suspended or revoked. Any registration certificate obtained pursuant to this Section shall be issued in the name of the owner of the dwelling. In the case of a multiple unit dwelling, a registration certificate issued pursuant to this Section includes and applies to both the entire dwelling as well as each individual rental dwelling unit within the dwelling. Any suspension or revocation of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or an individual rental dwelling unit or units within the dwelling.
- B. The occupancy or rental of any rental dwelling unit for which a registration certificate is required, need not be interrupted or suspended for lack of a registration certificate if the same is due to the inability of the City to process the application in a timely manner, or if the owner is in the process of complying with a notice of deficiencies from the City within the period of time authorized by the Building Inspector.

Subdivision 5. Initial Application/Provisional Licenses. On or before January 1, 2006 all current owners of rental dwelling units as of the date of adoption of this Section shall apply for a registration certificate as hereinafter provided. After adoption of this Section, all owners of new or converted rental dwelling units shall apply for a registration certificate as hereinafter provided. Upon filing the application and payment of the registration fee, the applicant will be issued a provisional registration certificate pending inspection of the rental dwelling unit. Following the inspection provided in this Section and a determination that the rental dwelling unit is in compliance with this Section and all applicable local, state, and federal requirements, including fire, housing, and building requirements, and upon the payment of the registration fee, a registration certificate will be issued to the owner for the rental dwelling unit or units.

Subdivision 6. Application for Registration Certificate. An application for a registration certification shall be filed by the owner with the City Clerk. An application for any dwelling to be converted to a use which would require a registration certificate shall be made and filed with the City Clerk at least thirty (30) days prior to such conversion.

Subdivision 7. Application Forms. Forms of application for registration certificate that shall be supplied by the City Clerk and will be available at the Medford City Hall.

Subdivision 8. Applications. Each application for registration certificate shall contain the following information:

- (a) Name, residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership, the name of the partnership, and the name, residence address, telephone number, and date birth of all partners and the identification of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name, address, telephone number, and date of birth of the chief

operating officer. If the dwelling is being sold on a contract for deed, the name and address of the contract vendee. Where the word "owner" is used in any part of this Section, it shall include all persons as outlined in this Section.

- (b) Name, residence address, telephone number, and date of birth of any agent appointed by the owner to accept service of process and to receive or give receipt for notices.
- (c) Name, residence address, telephone number, and date of birth of any agent actively involved in maintenance or management of said dwelling.
- (d) Legal street address of the dwelling.
- (e) Description of the number and type of rental dwelling units offered for rent and the facilities incorporated in such rental dwelling units.
- (f) Any person making application for a rental registration certificate must provide proof of identification by the use of a driver's license, state issued identification card, military identification card, or such other identification as is acceptable to the City Clerk. The identification provided must set forth the full name and date of birth of the person making the application.
- (g) An acknowledgment that the applicant has reviewed and understands the provisions of this Section, intends to abide by the provisions and will include reference to this Section in any written lease used in renting the property.

Subdivision 9. Agent Required. Any registration certificate holder who does not reside within a 30 mile radius of the City, shall, by a written document executed and acknowledged by such registration certificate 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 Medford City Code to such rental dwelling unit, which service shall be as effective as if made upon such registration certificate holder. In those cases where an agent is appointed, the registration certificate holder shall provide the City with the full name, date of birth, address and telephone number of such agent(s). A registration certificate holder shall provide written notice to the City, with the required information, whenever the agent for the registered property is changed. The written notice shall be provided to the City within 48 hours of such change(s).

Subdivision 10. Investigation. The Building Inspector shall investigate all applications for a registration certificate to verify that the rental dwelling units offered for rent comply with this Section and shall conduct inspections of the rental dwelling units to ensure compliance with this Section.

Subdivision 11. Inspections Under the Minimum Rental Housing Code.

- A. Inspection Upon Complaint. Any rental dwelling unit within the city is subject to investigation upon complaint by any citizen or city employee. Inspections shall be conducted during daylight hours and the Building Inspector shall present evidence of official capacity to the occupant or owner in charge of a respective rental dwelling unit.
- B. Inspection Access. When an owner, occupant or other person in charge of a rental dwelling unit refuses to permit free access to the structure or premises under their control, the Building Inspector may seek a court order authorizing inspection and may direct the

City of Medford to take action to suspend or revoke the registration certificate as allowed in Subdivision 20 of this Section.

- C. Penalty for Retaliation Against Complainant. It is a misdemeanor for any person to take retaliatory action against, harass or intimidate any person who makes a good faith Complaint against real property within the city.
- D. Penalty for Filing False or Malicious Complaint. It shall be a misdemeanor for any person to file a false or malicious complaint of violations of state law or local ordinance concerning the use of real property. The City of Medford may charge back to the complainant the costs of investigation of complaints made on any rental dwelling unit if it is determined that the complaint is invalid.

Subdivision 12. Rental Dwelling Unit Requirements. No person shall rent to another for occupancy any rental dwelling unit, for the purpose of living therein, which does not comply with the following requirements. Rental Dwelling Units shall comply with all zoning, building, fire safety, and health ordinances and nothing herein is intended to limit the applicability or enforcement of any other Section.

- A. Interior, Exterior Health and Safety Requirements.
 - a. Structural Elements. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, and balcony, and every appurtenance shall be free from obvious structural deficiency or dilapidation and shall be safe to use and capable of supporting normal loads.
 - b. Foundations. The foundation, floor and floor supports shall provide adequate support and be free from obvious structural deficiency or deterioration.
 - c. Walls, partitions, and vertical supports. Walls, partitions, and vertical supports shall not twist, lean, or buckle.
 - d. Roofs and ceilings. Roofs, ceilings, or other horizontal members shall not sag or buckle.
 - e. Weather and rodent resistance. The foundation, exterior walls and exterior roof shall be substantially water tight and rodent resistant.
 - f. Chimney. Chimneys shall be in sound condition and good repair and shall not be leaning, crumbling or settling.
 - g. Decks, Patios and Railings. Decks, patios, balconies, railings, and stairways shall be in sound condition and good repair. Railings, banisters, handrails shall be constructed and maintained in a manner that they do not present a danger to those using them.
 - h. Accessory Structures. Detached structures, including garages, sheds, and other accessory buildings shall be maintained in sound condition and good repair and in the same manner as the main structure of the premises.
- B. Electrical
 - a. Electrical Wiring. Wiring shall conform to the law in effect at the time of installation and any wiring shall be maintained in good condition. Conditions which violate these requirements include, but are not limited to broken wires,

bare or frayed wires, broken or burned outlets and switches, missing cover plates, fuses rated for more than wiring, and bypasses or defeated fuses/circuit breakers.

- b. Electrical Service Panel. Access to the operating face of any electrical switchboard or panel board shall be maintained as provided in the International Fire Code and/or Electrical Code. Electric panels shall be in a condition so as not to allow contact with energized wires, contacts, or busses. Fuse sockets shall be furnished with proper fuses.
- c. Extension Cords. Extension cords shall not be used as a substitute for permanent wiring. Extension cords shall not extend through wall openings, beneath rugs or carpeting, or be bundled. Extension cords may not be used for loads greater than the rated capacity for which they are designed.
- d. Outlets and Junction Boxes. All outlets and junction boxes shall have covers that are properly secured.
- e. Ground Fault Indicators (GFI's). All GFI outlets must be in sound operating condition.
- f. Bare Wires. Bare wires or wire nuts are prohibited except for low voltage wiring for speaker cords, telephone equipment, or doorbell wiring or knob and tube wiring maintained in sound condition.

C. Mechanical and Utilities.

- a. Furnace and Water Heater. The furnace or boiler and water heater shall have been in sound condition and in good repair. The furnace shall have been inspected by a licensed professional within the previous 24 months.
- b. Combustible Storage. Mechanical and electrical equipment areas shall be free of flammable and combustible storage or separated from hot water heaters, furnace, or other sources of ignition.
- c. Bathrooms. Bathrooms shall be equipped with an operable flush toilet, fixed washbasin or lavatory, and either a bathtub, shower or combination. Adequate hot and cold running water shall be provided.
- d. Ventilation. A window or mechanical fan connected directly to the outside shall be provided in bathrooms.
- e. Appliances. Cooking ovens, cooking stoves, and/or cooking ranges, if provided by owner, shall be in sound condition and repair and good operating order. Gas models shall be self-igniting and equipped with a shut off valve. Gas lines shall be in sound condition and good repair.

D. Exits and Egress.

- a. Exit Hardware. Doors shall open from the inside without the need of special knowledge, effort or tools. Doors within common egress paths may not be

equipped with hasps/padlocks, multiple locks, or double keyed deadbolt locks. Night latches, deadbolts, or security chains are acceptable within an individual rental dwelling unit.

- b. Exit Ways. Exit ways shall be marked and clear of obstructions including storage, furniture, decorations, garbage, snow, or structural problems.
- c. Means of Egress. All sleeping rooms shall have a primary and a secondary means of escape. The primary means of escape shall be the primary access to a room. The secondary means of escape may be a window meeting the approved egress requirements.
- d. Handrails. Handrails shall be continuous on one side of a stairway and shall be between 34 and 38 inches in height. Where a handrail has been removed it shall be replaced in compliance with this Section. A stairway shall be equipped with a handrail where a safety hazard exists.

E. Fire Protection.

- a. Fire Extinguishers. Fire Extinguishers shall have been properly installed, fully charged,
- b. Fire Extinguishers. Fire extinguishers shall have been properly installed, fully charged, and inspected by a qualified person within the past 12 months.
- b. Smoke Detectors. Smoke detectors and carbon monoxide detectors shall be properly located and correctly functioning.
- c. Fire doors. Fire doors, when provided, must be sound, positive latching and self-closing.
- d. Firewalls and Separations. Building and tenant separations, firewalls, and fire doors must be free from damage, alterations or open holes.
- e. Fire Connections. Outside fire department connections must be clearly marked, capped and unobstructed.
- f. Sprinklers. If equipped with a sprinkler system, the system must have been tested by a qualified professional within the last 12 months.
- g. Proper Storage of Fuel and Fuel Operated Equipment. Gasoline and gasoline operated vehicles and other equipment and cooking grills or cookers containing fuels may not be stored within a rental dwelling unit. Gasoline and gasoline operated vehicles and other equipment and cooking grills or cookers containing fuels shall be stored in a garage or other accessory building having a wall with a one-hour fire separation rating.

Subdivision 13. Issuance and Posting of Registration Certificate. Whenever the investigation of an application indicates that the rental dwelling units comply with this Section, the Building Inspector shall issue a registration certificate. Every registrant of a rental dwelling unit shall post the registration certificate in a conspicuous place.

Subdivision 14. Notice of Violation.

- A. Whenever the investigation of an application for registration certificate indicates that the rental dwelling unit does not comply with this Section, the Building Inspector shall serve a notice of violation on the applicant in the manner hereafter provided:
- B. Such notice shall:
 - (a) Be in writing;
 - (b) Include the street address or other description of the real estate sufficient for identification;
 - (c) Include a statement of the violation or violations for which the notice is being issued;
 - (d) Specify a reasonable time for the performance of any act it requires; and
 - (e) Be served upon the owner, or the agent, by personal service or by leaving a copy at the owner or agent's usual place of abode with a person of suitable age and discretion then resident therein, or by depositing the notice in the United States post office addressed to the owner at the owner's last known address with postage prepaid thereon or if service cannot be made by any one of the above means then such notice shall be deemed served if a copy of such notice be posted and kept posted for 48 hours in a conspicuous place on the premises affected by such notice. Such notice may contain an outline of remedial actions, which if taken, will effect compliance with the provisions of this Section.
- C. Owners of rental dwelling units shall give notice of outstanding violations of this Section to any purchaser of such property.

Subdivision 15. Rejection of Application. Whenever the investigation of an application for registration certificate indicates that the rental dwelling unit does not comply with the provisions of this code, and from the nature of the violations, the rental dwelling unit cannot be brought up to meet the minimum requirements, the City Clerk shall return the application to the applicant stating the reasons for the rejection of the application.

Subdivision 16. Temporary Rental Registration Certificates. The Building Inspector may issue a temporary registration certificate when corrections required following inspection do not constitute a fire, safety or health hazard to the tenants or the general public, and the repairs are not immediately practicable or feasible as a result of factors beyond the owner's control. Such factors may include climatic conditions, or the unavailability of contractors, supplies or materials needed to make the corrections. A temporary rental registration certificate shall be conditioned upon the owner making the needed corrections with timelines determined by the Building Inspector and identified on the temporary certificate. The temporary certificate shall expire if the work is not completed, inspected and approved by the Building Inspector by the date listed thereon.

Subdivision 17. Appeals. Any applicant whose application for a registration certificate, after investigation, has been rejected by the Building Inspector, may request and shall be granted a hearing in the matter before the Medford City Council under the procedures set forth hereafter in Subdivision 21.

Subdivision 18. Penalty for Failure to Register; Misdemeanor. Every person required to register a rental dwelling unit and who fails to do so, or who allows the property to be occupied when the rental dwelling unit fails to comply with this Section, or when the registration certificate

or right to receive such registration certificate is revoked or suspended, shall be guilty of a violation of this Section. Each day that a property is rented out without a valid registration certificate on file for that

property is a separate violation. A violation of this Section shall be a misdemeanor. Nothing in this Section shall prohibit the City from pursuing other legal remedies, including an injunctive relief, for any violation of this Section.

Subdivision 19. Certificate Renewal and Non-transferability.

- A. All registration certificates shall expire two (2) years after date of issuance and must be renewed upon the expiration of the two (2) year term. All information required by Subdivision 6 of this Section must be submitted at the time of renewal. Whenever the applicant certifies that no change has been made in a registered rental dwelling unit, and the registered unit has been inspected within

the preceding twelve (12) months, a renewal registration certificate may be issued without reinspection by the Building Inspector, provided the owner certifies that the rental dwelling units are in compliance with this Section, and the appropriate registration fee has been paid.

- B. Every person who transfers title to property registered under this Section shall provide the City Clerk with the name, residence address and telephone number of the new owner, and date of the transfer of title within ten (10) days of the date of such transfer. Within thirty (30) days of the date of such transfer, the new owner shall apply for a new registration certificate. In the case of a contract for deed the purchaser shall be deemed to be the owner of the property for purposes of this Section and shall be required to apply for a rental registration certificate in his/her name. The date on the contract for deed shall be deemed to be the date the purchaser becomes the "owner" for purposes of this Section.
- C. Registration certificates may not be transferred or assigned.

Subdivision 20. Suspension or Revocation of Registration Certificate.

- A.. Any registration certificate issued by the City pursuant to the provisions of this Section may be suspended or revoked upon a finding that the certificate holder, during the term of the certificate, failed to comply with any provision of this Section or any applicable local, state, and federal requirement, including fire, housing, and building requirement.
- B. A person's right to apply and receive a registration certificate may be suspended or revoked upon a finding that the applicant has let to another for occupancy any rental dwelling unit without first obtaining a registration certificate as required by this Section or who has failed to comply with any provision of this Section or any applicable local, state, and federal requirement, including fire, housing, and building requirement.
- C. Whenever it appears to the City that adequate grounds may exist for the suspension or revocation of a registration certificate, or the right to receive a registration certificate, the Building Inspector shall by notice as provided in Subdivision 14, specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.
- D. No such suspension or revocation shall be effective until the registration certificate holder has been afforded an opportunity for hearing before the Medford City Council as set forth in Subdivision 21.

Subdivision 21. Appeals Procedure.

- A. Appeals to the Medford City Council. Any person affected by any notice of violation or

emergency order issued and served pursuant to this Section or otherwise adversely affected by the administration of this Section, shall be granted a hearing before the Medford City Council upon filing in at Medford City Hall a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. The petition shall be filed within twenty (20) days after the notice is served, order issued, or other adverse action taken.

- B. Date of Hearing. The hearing requested shall be held not more than thirty (30) days after the day on which the petition is filed or within ten (10) days of such filing in case of an emergency order. The City Council may postpone the date of the hearing for a reasonable time beyond such period if a good and sufficient reason exists for such postponement and in the case of an emergency order the City Council determines that adequate safeguards will be taken to provide for the health and safety of the occupants and general public during such postponement.
- C. Notice of Hearing. The City Clerk shall cause five (5) days written notice of the hearing to be given to the petitioner by personal service or by mailing to the petitioner's last known address.
- D. Proceedings. At such hearing the petitioner, petitioner's agent or attorney, shall be given an opportunity to be heard and to show cause why the notice of alleged violation or emergency order issued by the Building Inspector or other action taken adverse to petitioner should be modified or withdrawn. The Building Inspector shall present a written statement of the findings and decisions to the City Council at the time of the hearing together with evidence in support of the violation, order, or other action taken.
- E. Decisions of the City Council. After such hearing the City Council shall sustain, modify or withdraw the notice of alleged violation or emergency order or other action taken depending upon its findings as to whether the provisions of this Section have been complied with. If the City Council sustains or modifies such notice or emergency order, or other administrative action, it shall be deemed to be an order. A copy of the decision of the City Council shall be served by mail on the petitioner.

With respect to existing buildings, whenever it is not practicable or feasible to require strict compliance with the substantive provisions of this Section and all applicable local, state, and federal requirements, including fire, housing, and building requirements, the City Council may approve a variance from such provisions when in its judgment, existing conditions are in acceptable compliance with the spirit and intent of the Medford City Code and reasonably safeguard the health, safety and welfare of the occupants and the public.

- F. Record of Proceedings. The proceedings of each hearing held before the City Council, including the findings and decisions of the Building Inspector, shall be reduced to writing and entered as a public record at Medford City Hall. Such record shall include a copy of every notice, order, stay or other writing issued in connection with the matter.
- G. Stays. The City Council may stay enforcement of an order made after a hearing for a reasonable length of time, provided, however, that the City Council shall first find that immediate enforcement of the order would result in extreme hardship to the person or persons affected and that the immediate health, safety and welfare of the occupants and the public will not be jeopardized by such stay.

- H. Notices Not Appealed. Any notice served pursuant to the provisions of this Section shall automatically become an order if a written petition for a hearing is not filed with the City Clerk within twenty (20) days after the notice was served.
- I. Appeals from City Council Decisions. Any person aggrieved by the decision of the City Council may seek relief there from in any court of jurisdiction as provided by the laws of the state.

Subdivision 22. Fees. The registration fee shall be in an amount duly established by the City Council from time to time by separate resolution. The registration fee shall be paid at the time of application for registration and shall be non-refundable. No registration certificate shall be issued under this Section until the appropriate registration fee shall be paid in full.

Subdivision 23. Severability. If any subsection, paragraph, phrase, or provision of this Section shall be determined invalid for any reason, such determination of invalidity shall not affect the remaining provisions of this Section.

Subdivision 24, Disorderly Use a Violation. A Disorderly Use as defined in this Section shall constitute a violation of this Section. Violations of this Section, whether occurring within a specific unit, within a common area, or on the exterior of the premises, shall apply to the entire licensed premises. The existence of a public nuisance on the exterior of the rental premises or in the common areas of the rental premises shall constitute a violation of this Section.

Subdivision 25, Rental Property Owner Responsible. Any rental property owner shall be responsible to take appropriate action against persons occupying or visiting the licensed premises, whether within a specific unit or within a common area. For purposes of this Section, the term “persons occupying the premises” shall include tenants as defined in Minn. Stat. Sec. 566.18, and those persons on the licensed premises whose presence the tenant has invited or to which the tenant has acquiesced.

Subdivision 26. Procedure Upon Disorderly Use Violation.

- A. Upon determination that a disorderly use has occurred on a rental premises or an administrative fine has been issued, the City shall notify the property owner pursuant to Subdivision 14 and shall direct the property owner to take corrective action to prevent further violations. The property owner shall submit to the City a written report of appropriate corrective actions taken by the property owner within fourteen (14) days of the date the notice was sent. Failure to submit the written report as required herein, or failure to take appropriate corrective actions, shall be a basis for the revocation or suspension of the license or right to receive a license for the entire licensed premises.
- B. If another instance of disorderly use occurs within twelve (12) months of the issuance of a prior notice of violation, the license or right to obtain such license may be revoked or suspended for the entire licensed premises.
- C. No suspension or revocation or other sanctions shall be imposed where a violation involves disorderly use and the property owner has filed an unlawful detainer action with the district court that will address the violation, so long as the action is diligently pursued by the property owner. Notice of and a copy of the unlawful detainer action shall be delivered to the city clerk. A determination that the licensed premises has been involved in a disorderly use shall be made upon a preponderance of the evidence. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

- D. No suspension or revocation shall be effective until the property owner has been afforded an opportunity for a hearing in accordance with the appeals procedure set forth in Subdivision 21.