



CHAPTER 50

RENTAL PROPERTIES

Sec. 50-1. - License required; definitions.

- (a) *License*. No person shall allow to be occupied or let to another for occupancy a unit or units in a rental dwelling for which a license has not been granted by the city.
- (b) *Definitions*. Unless otherwise expressly stated, the following terms shall, for the purposes of this article, have the following meanings:
 - (1) *Rental dwelling* means any structure or portion thereof which is designated or used for residential occupancy by one or more persons who are not the owner or a member of the owner's family. For the purpose of this chapter, family is defined as follows: *Family* means those persons legally related to each other in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings. Family does not include branching relationships such as aunts, uncles or cousins.
 - (2) *Rental dwelling* includes commercial living facilities, not governed by state licensing requirements.
 - (3) A *permanent rental* is never used as living quarters for the owner or any dependents he/she claims on his/her federal tax return. A permanent rental is a house, duplex or apartment complex that serves full time as a rental and is not used by a nonprofit organization. (IRS definition)

(Ord. No. 215, § 1, 5-20-2015)

Sec. 50-2. - Application.

- (a) Before any license shall be issued or renewed, the owner of the rental dwelling shall complete an application. The following persons shall be authorized to sign and submit the application:
 - (1) If the owner is a natural person, by the owner thereof.
 - (2) If the owner is a corporation, by an officer thereof.
 - (3) If the owner is a partnership, by a partner thereof.
- (b) The application shall be made on a form prescribed by the city and shall include:
 - (1) The name and address of the owner of the rental dwelling.
 - (2) The name and address of any operator or agent actively managing the rental dwelling.
 - (3) If the operator or agent is a business entity, the application shall include the names, telephone numbers and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
 - (4) If the applicant is a corporation, the name and address of all officers.
 - (5) If the applicant is a partnership, the name and address of all partners.
 - (6) The legal address of the rental dwelling.
 - (7) Owner, agent or manager that notices or violations should be directed to pursuant to this article.

(Ord. No. 215, § 2, 5-20-2015)

Sec. 50-3. - License issuance.

- (a) The city may issue a license if the building and the application are found to be in compliance with the provisions of this article, applicable state and city building codes and with the Property Maintenance Code, Article VI set forth in the East Bethel City Ordinances and provided that all real estate taxes and municipal utility bills for the premises have been paid. Real estate taxes will not be considered to be unpaid for purposes of this section while a proper and timely appeal of such taxes is pending.

(Ord. No. 215, § 3, 5-20-2015)

Sec. 50-4. - Term of license.

Licenses will be issued for a two-year period, and the license term shall commence on January 1, or the date issued and expired on December 31.

(Ord. No. 215, § 4, 5-20-2015)

Sec. 50-5. - License fees.

- (a) The license fees shall be established by resolution. The license fee shall be collected for each building and unit in a rental dwelling.
- (b) Except in the first year of the program, if an application for a license is made after January 1, a late fee as established by resolution, will be added to the initial license fee. For each subsequent 30-day period an additional late fee will be imposed.

(Ord. No. 215, § 5, 5-20-2015)

Sec. 50-6. - Posting of license.

The licensee shall post a copy of the license in the dwelling in the kitchen or garage or other place that can be viewed at the time of inspection.

(Ord. No. 215, § 6, 5-20-2015)

Sec. 50-7. - Transfer of license.

A license is transferable for a fee to any person who has actually acquired legal ownership of the rental dwelling. The transfer shall be effective for the unexpired portion of the license period, provided that a transfer application is filed with the city prior to the actual change of legal ownership and that the transferee is not disqualified from holding the license. A license shall terminate upon an owners failure to apply for a transfer prior to change of legal ownership. The fee for the license transfer shall be established by resolution.

(Ord. No. 215, § 7, 5-20-2015)

Sec. 50-8. - Prior to issuance of residential rental license.

- (a) The septic system must pose no eminent threat to public health and have the capacity to serve the number of occupants of the rental unit.
- (b) The septic tank must have been pumped in the past three years and a copy of the pumping report shall be part of the application. If the report is not file with the city, the applicant will be requested to provide the report.
- (c) A permit application must be completed by the owner or owner's agent.
- (d) The permit fee must be paid.
- (e) The house, accessory buildings and the property must pass the residential rental inspection that is conducted by the City of East Bethel Building Department and meet all applicable state and city codes.

(Ord. No. 215, § 8, 5-20-2015; Ord. No. 52, Second Series, 11-4-2015)

Sec. 50-9. - Inspections on rental units.

The city will conduct rental inspections every two years prior to the renewal of a license. Fees for re-inspection and violations will be set by city council an annual basis and be listed in the city's fee schedule. Inspections will be scheduled within 60 days of the expiration of the license.

(Ord. No. 215, § 9, 5-20-2015)

Cross reference— Fee schedule adopted, § 2-731.

Sec. 50-10. - Suspension, revocation, denial, nonrenewal.

- (a) *Hearing suspension, revocation, denial and/or non-renewal are the last step for any enforcement matters.* All reasonable efforts will be made to resolve any enforcement or violation issues within a progressive system of notifications and provisions of reasonable times allowed for corrections. Should the process to achieve compliance be unsuccessful, action to deny, revoke, suspend, or not renew a license under this article shall be initiated by the city by giving written notice to the licensee of a hearing before the city council to consider such denial, revocation, suspension or nonrenewal. A written notice shall specify all violations and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten days and no more than 30 days after giving the notice. In such hearing the city council shall 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 with city requirements. Following the hearing, the city council in its sole discretion may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the rental dwelling, or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this article. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this article may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. The city council shall issue its decision upon written findings.
- (b) *Reason for action.* The city council may revoke, suspend, deny or decline to renew any license issued under this article upon appropriate grounds including, but not limited to, the following:
- (1) False statements on any application or other information or report required by this article to be given by the applicant or licensee.
 - (2) Failure to pay any application fee, penalty, re-inspection, or reinstatement fee required by this article and resolutions.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Any other violation of this article.
- (c) *Reinstatement of license.* Upon a decision to revoke, deny, or for non-renewal of a license, no new application for the same rental dwelling will be accepted for a period of time specified in the written decision of the city council, not to exceed one year. Any such new application must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this article.
- (d) *No new rentals.* A written decision to revoke, suspend, deny, or not renew a license shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension or nonrenewal of a license shall not excuse the owner of a rental dwelling from compliance with the terms of this article for any other unit or units in the rental dwelling which remain occupied.
- (e) *Failure to comply.* Failure to comply with any term of this article during a period of revocation, suspension, or nonrenewal is a misdemeanor and is also grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.

(Ord. No. 215, § 10, 5-20-2015)

Sec. 50-11. - No retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

(Ord. No. 215, § 11, 5-20-2015)



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Please contact **East Bethel City Hall** with any questions in regards to this ordinance.

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