

Section 1051 – Landlord Responsibility

Section 1051:00. Landlord Responsibility. For purposes of this section, owner is defined to include corporations and partnerships as well as individual owners.

Subd. 1. The owner of a residential dwelling is responsible to cause persons occupying each dwelling unit to conduct themselves in such a manner to ensure that persons upon the premises are not in violation of any of the following:

- (a) Noise control violations as set forth in Section 1050:05.
- (b) Keg permit provisions as set forth in Section 817:35.
- (c) Disorderly conduct as set forth in M.S. §609.72.
- (d) Illegal gambling as set forth in M.S. §§609.75 -609.76.
- (e) Prostitution as set forth in M.S. §§609.321-609.324.
- (f) Unlawful sale or possession of controlled substances as set forth in M.S. §§152.01-152.025 and §152.027 Subd. 1 and 2.
- (g) Unlawful sale of alcoholic beverages as set forth in M.S. §340A.401.
- (h) Unlawful possession, transportation, sale or use of a weapon as set forth in M.S. §97B.021, §97B.045, §§609.66-609.67 and §624.716.
- (i) Social host as set forth in Section 820.
- (j) Disruptive intoxication as set forth in Section 1002.

Subd. 2. The Police and/or the Health and Inspections Department will be charged with the responsibility of enforcing and administering this Section..

Subd. 3. First Violation: Upon determination by the Police that the licensed premises were used in a manner in violation of any of the law violations enumerated in Subdivision 1, the Health and Inspections Department will notify the owner and managing agent of the owner by regular mail, and direct the owner and managing agent to take steps to prevent further violations at the premises.

Subd. 4. Second Violation: If a second violation of an offense enumerated in Subdivision 1 occurs at the premises within 12 months of an incident for which notice provided in Subd. 3 of this section was given, the owner and managing agent will be notified of the subsequent violation by the Health and Inspections Department, and will be required to submit a written report of actions taken by the owner and/or managing agent to eliminate future law violations. This written report will be submitted to the Health and Inspections Department within 15 days, excluding intervening weekends and holidays, of the notice of violation, and will detail all actions taken by the owner and/or the managing agent in response to all notices of violations at the premises within the preceding 12 months.

Subd. 5. Third Violation: If a third violation of an offense enumerated in Subdivision 1 occurs at the premises within 12 months after receipt of notices pursuant to Subd. 3, a civil fine of \$500.00 will be imposed against the licensee.

Subd. 6. Additional Violations: If any further violations occur at the premises within 12 months of imposition of a \$500.00 civil fine, a civil fine of \$1,000.00 will be imposed against the licensee. The property may also be subject to a revocation of the rental license pursuant to Section 445.

Subd. 7. Right to Administrative Hearing: No fine will be imposed until after the owner has received notice of the proposed fine and has been afforded an opportunity for a hearing before an independent hearing officer. If the independent hearing officer finds a violation of this section, the independent hearing officer shall impose the fines set forth in Subd. 5 by written notice to the owner by mail within twenty days of the hearing date of

its findings. Use of the administrative hearing process in Section 1100 will be utilized.

Subd. 8. No fine will be imposed for a violation of subd. 1 which occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days, or such other time period required by the lease, of notice given by the owner or managing agent to a tenant to vacate the premises, where the violation related to or occurred in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings and not a bar to sanctions pursuant to this section unless a certified or otherwise acceptable copy is provided to the Health and Inspection Department. No action will be taken under this section against an owner who was personally, or through designated agent, the complainant on the underlying violation of subd. 1.

For the purpose of this Subdivision 8 the designated agents will be those individuals identified by the owner or managing agent on a list provided to and maintained at the Health and Inspections Department. Any owner or managing agent who does not maintain a current list of all managers, caretakers or agents for a licensed premises with the Health and Inspections Department will not be afforded an exemption under this subdivision for a designated agent being the complainant on the underlying violation of subd. 1.

Subd. 9. It is irrelevant that the dwelling owner or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation.

Subd. 10. Generally violations of this section will apply to individual dwelling units. Lodging houses will be treated as one dwelling unit. The Health Director may apply violations to the entire premises in cases where the dwelling unit cannot be determined and/or when the scope and severity of the violation(s) are considered to impact the larger premises.

History: Ord. 2708 5-22-17.