

**ORDINANCE NO. 679**  
**Amended 2-20-2018**

**AN ORDINANCE REGULATING RENTAL UNIT REGISTRATION AND  
INSPECTION**

The Council of the City of Cass Lake does hereby ordain:

**RENTAL UNIT REGISTRATION**

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1. PURPOSE AND FINDINGS

Subdivision 1. The City Council of the City of Cass Lake finds that there is a need for periodic municipal inspection of residential rental units in the City to ensure that such units meet City and State safety, health, fire and zoning laws and codes in order to promote the public health, safety and welfare of the community at large and the residents of rental units within the City.

Subdivision 2. The City Council of the City of Cass Lake finds that a municipal registration program is appropriate to effectively enforce residential rental unit

maintenance standards and correct or prevent law violations, nuisances and other disturbances and disorders involving residential rental unit within this City.

Subdivision 3. The City Council of the City of Cass Lake finds that an effective means of implementing the foregoing is registration of all residential rental units with the City and inspection of such units from time to time as determined appropriate in the discretion of City staff and in response to complaints involving such units.

2. DEFINITIONS: For purposes of this Ordinance, the following definitions shall apply:

Subdivision 1. Rental Unit or Residential Rental Unit means a building used in whole or in part as a dwelling, including single-family homes, multiple-family units such as apartments, and structures containing both dwelling units and units used for non-dwelling purposes, and includes manufactured homes.

Subdivision 2. Dwelling means any structure that is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Subdivision 3. Lease means an oral or written agreement creating a tenancy in real property.

Subdivision 4. “Shall” and “must” as used in this Ordinance are each mandatory. “Should” and “may” as used in this Ordinance are each permissive or directory.

Subdivision 5. Administrator means the Cass Lake City Council or such person as the City Council designates, in writing, to carry out the responsibilities of the Administrator as provided by this Ordinance.

Subdivision 6. Registration Holder means a person or entity to whom registration for a rental unit is issued under this Ordinance.

Subdivision 7. Local Property Manager means a natural person residing within 50 miles of the City of Cass Lake who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit.

Subdivision 8. Qualified Family Member means parent or child and Grandparent or Grandchild.

3. REGISTRATION REQUIREMENTS:

Subdivision 1. No person or entity may lease a rental unit to another person or entity unless that rental unit is registered pursuant to a valid and current rental unit registration issued by the Cass Lake City Council or Administrator.

Subdivision 2. Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 50 miles of the City of Cass Lake.

Subdivision 3. As a condition of occupancy, all leases shall incorporate the requirements of Sections 7, 10, 11, 12, 13, 14, 15, and 16 of this ordinance. The lease shall either recite the aforementioned sections verbatim within the lease or have a copy of this ordinance attached to it.

Subdivision 4. Any person or entity desiring to lease any rental unit shall apply for registration by using forms furnished by the Administrator for that purpose. The forms must provide information required by the Administrator, including the following:

- A. Name, address, phone number, and FAX number (if any) of the property owner.
- B. Name, address, phone number, and FAX number (if any) of a designated Local Property Manager.
- C. The street address of the rental property.
- D. The number and types of units within the rental property.
- E. The maximum number of occupants permitted for each dwelling unit or sleeping room.
- F. The name, phone number, FAX number and address of the person authorized to make, or order, made repairs or services for the property if in violation of City or State codes, if the person is different than the owner or Local Property Manager.
- G. The full name of the tenant occupying the property and updated by the property owner as each resident moves in or out.

#### 4. EXEMPTIONS:

This Ordinance does not apply to Qualified family members certified in writing by owner and occupant, campus dormitory and campus residence units owned, operated or managed by a governmental entity or agency, hospital units or rooms, nursing homes, retirement homes or other similar rental space that is otherwise registered by the State of Minnesota or the City of Cass Lake.

5. MANNER OF REGISTRATION RENEWAL:

Except as hereinafter provided, rental unit registrations expire every two years, with all registrations ending March 31<sup>st</sup> of the even-numbered year. Initial registrations that occur during a two-year cycle shall expire at the end of the current cycle so that all registrations expire on the same date. The City will mail registration renewal forms to rental unit owners or their designated Local Property Managers on or about February 1 of the year of expiration. Registration renewal forms must be delivered to the City Clerk no later than the 15th day of March each year. Failure of the City to mail renewal forms and failure of an owner or Local Property Manager to receive a renewal form, does not excuse or waive the registration required by this Ordinance.

6. TRANSFER OF PROPERTY:

Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City Clerk the new owner's name, address, phone number and fax number and the name, address, phone number and fax number of the new owner's designated Local Property Manager, if any, before taking possession of the rental property upon closing the transaction. No new registration fee is to be required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance, including remediation of all Code violations. If the new owner intends to modify how the rental unit is utilized (e.g., subdividing or expanding the rental unit), a new registration application is required.

7. POSTING OF REGISTRATION:

Each rental unit registration holder must post the rental unit registration in a conspicuous spot near the front entry to the rental unit in a public corridor, hallway or lobby, must retain a copy of the rental unit registration on file and must be able to produce said copy upon demand. Failure to post the registration and keep the registration posted is a misdemeanor, but is not grounds for termination of registration.

8. FEES:

The registration fee, which includes the initial inspection, is \$100.00 per unit. Subsequent re-inspections are \$30.00 per visit. If there are no infractions on initial inspection, there will be a \$15.00 reduction in fees per unit inspected. Failure to pay appropriate fees will result in the City certifying past-due amounts, including late fees and interest, to the County for assessment against the property.

9. MAINTENANCE OF RECORDS:

All records, files and documents pertaining to rental unit registration and rental unit inspections may be obtained by the City Clerk and will be available to the public as allowed, permitted or required by State Law or City Ordinance.

#### 10. MAINTENANCE STANDARDS:

Every rental unit must be maintained in compliance with City ordinances as well as State law, including the building code and the fire code, as now in force and hereafter amended. Rental unit registration does not constitute certification of compliance with any codes, standards, ordinances or statutes by the City of Cass Lake.

#### 11. INSPECTIONS AND INVESTIGATIONS:

Except as otherwise provided herein, all inspections will be undertaken by the City Building Official.

Subdivision 1. Cass Lake Fire Department personnel, Law Enforcement, the City Health Officer, and the City of Cass Lake respective designees and representatives, are hereby authorized to make inspections reasonably necessary for the enforcement of this Ordinance.

Subdivision 2. All persons authorized herein to inspect shall have the authority to enter, with 24-hour notice given to property owner or Local Property Manager, any rental unit for the purpose of enforcing this Ordinance. All Registration Holders shall, as a condition of registration, consent to such entries for inspection without warrant and all Registration Holders shall include, as a condition of any lease, that tenants or occupants' consent to such entries for inspection without warrant.

Subdivision 3. Written notice of a violation of this ordinance may be given to the Registration Holder pursuant to Section 18. Said notice may contain a Compliance Order stating that compliance with this ordinance shall be made immediately and, in that case, the notice shall advise the Registration Holder that the property may be re-inspected in not less than thirty (30) days. If contract labor is scheduled within 30 days after the date of the Compliance Order, an extension may be requested in writing with the City Administrator if the contractor is unable to complete the work within 30 days. Proof of scheduled labor is required and must be submitted with the extension request.

Subdivision 4. A Registration Holder may appeal to the City Council the requirements of any Compliance Order by filing a written appeal with the office of the City Clerk no later than ten (10) days after the date of issuance of the Compliance Order. A hearing shall be held before the City Council at the next regularly scheduled meeting following the filing of the Notice of Appeal. Enforcement of the Compliance Order shall be stayed pending the decision of the City Council on the appeal. Failure to attend the hearing waives the Registration Holder's right to the appeal.

Subdivision 5. Failure to comply with a Compliance Order may be punished by a fine not to exceed seven hundred dollars (\$700.00) and/or by imprisonment not to exceed ninety (90) days, together with the cost of prosecution. Each day of such failure to comply shall constitute a separate punishable offense.

## 12. CONDUCT ON REGISTERED PREMISES:

Subdivision 1. It is the responsibility of the Registration Holder to require and ensure that occupants of the registered premises conduct themselves in such a manner as to not cause the premises to be occupied or maintained in violation of law. Unlawful activities include, but are not limited to, the following:

- A. Conduct which constitutes a violation of MN State Statutes relating to nuisances as it now exists or as hereafter amended.
- B. Conduct which constitutes a violation of MN State Statutes relating to noise as it now exists or as hereafter amended.
- C. Conduct which constitutes disorderly conduct in violation of MN State Statutes 609.72 as it now exists or as hereafter amended.
- D. Conduct which constitutes a violation of laws relating to possession of controlled substances pursuant to MN Statutes Chapter 152 as it now exists or as hereafter amended.
- E. Conduct which constitutes a violation of any City ordinance or State law relating to minors possessing or consuming alcohol, or relating to providing, furnishing or serving alcohol to minors, or relating to sale of alcoholic beverages.
- F. Conduct which constitutes a violation of State laws or City ordinances relating to prostitution, indecent exposure or acts related to prostitution as defined by State law.
- G. Conduct which constitutes a violation of City ordinances and State laws relating to weapons or fire arms.
- H. Conduct which constitutes a violation of city ordinances or State laws relating to assault, specifically including domestic assaults and criminal sexual conduct.
- I. Conduct which constitutes a violation of ordinances or laws relating to contributing to the need for protection, services or delinquency of a minor as defined in MN Statute 260.315 as it now exists or as hereafter amended.

- J. Conduct which constitutes a violation of any other federal, state or local code, ordinance or regulation and which is reasonably likely to threaten, any or harass tenants or visitors to rental units, or to residents, visitors or occupants of neighboring properties.
- K. Conduct which constitutes a violation of any other federal, state or local code, ordinance or regulation.

Subdivision 2. The Administrator shall administer this section of the Ordinance and may delegate administration to a designee authorized in writing by the City Council.

Subdivision 3. If the Administrator determines that a violation of this section has occurred, then the Administrator will give notice of the violation to the Registration Holder and will direct that the registration Holder take steps to prevent further violations.

Subdivision 4. If another violation of this section occurs within ninety (90) days of the incident for which notice was given as provided in Subdivision 3 above, then the City Council will give notice of the violation to the Registration Holder and the renters of the rental unit, and will direct that the Registration Holder take steps to prevent further violations. The City Council will also, at that time, request that the Registration Holder submit to the City Clerk, within ten (10) days of the City Council's mailing of the notice of violation provided in this section, a report itemizing all actions taken by the registration Holder in response to all notices of violations as to the rental unit within the preceding ninety (90) days.

Subdivision 5. If a third violation of this section occurs within ninety (90) days after the last of any two or more previous violations for which notices were given pursuant to this section, and the Registration Holder has not sufficiently taken action to prevent further violations, then the rental unit registration for the premises may be denied, revoked, suspended or not renewed.

- A. Action to deny, revoke, suspend or not renew a rental unit registration may be initiated by the City Council who shall give to the Registration Holder a written notice of hearing before the City Council to consider such denial, revocation, suspension or non-renewal.
- B. A notice of intent to deny, revoke, suspend or not renew registration shall specify all violations of this section and shall state the date, time, place and purpose of the hearing provided by this subdivision.
- C. The hearing held pursuant to this subdivision shall occur no later than thirty (30) days after notice.

- D. Following the hearing, the City Council may deny, revoke, suspend or not renew registration for all or any part of the registered premises or may grant conditional registration upon such terms and conditions as the Administrator finds necessary to accomplish the purpose of this Ordinance.

Subdivision 6. No adverse registration action may be imposed where the violation of this section occurred during the pendency of unlawful detainer eviction proceedings brought under MN Statute Chapter 566 or within thirty (30) days of notice given by the Registration Holder to a tenant to vacate the premises at which the violation occurred. Unlawful detainer eviction proceedings or a notice to vacate the premises, will not, however, bar adverse registration action unless diligently pursued by the Registration Holder. Action to deny, revoke, suspend or not renew registration for violation of this section may be postponed or dismissed by the City Council at any time if it appears to the Council that the Registration Holder has taken appropriate remedial action.

Subdivision 7. The standard of proof to be used in determinations by the Administrator as to conduct constituting violations under this section is a fair preponderance of evidence in support of such a determination. It is not necessary that criminal charges be brought to support a determination of violation of this section or a determination that conduct constituting a violation of this section has occurred. It is necessary, in determining a violation of this section, that law enforcement officers be called to the rental unit in response to a complaint or that the officer(s) visit the rental unit on their own accord and that an investigation be undertaken and a police report prepared.

Subdivision 8. A violation under this section includes violations by the rental unit tenants or occupants, or by their visitors or guests, in or at the rental unit or in, at or upon its curtilage, including anywhere on the property grounds on which the rental unit is situated.

### 13. FAILURE TO GRANT REGISTRATION, REVOCATION, SUSPENSION OR FAILURE TO RENEW REGISTRATION

Subdivision 1. The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance.

Subdivision 2. Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the Registration Holder or their agents, employees, representatives or lessees fail to comply with the requirements of this ordinance. Provided, however, registration shall



not be denied, suspended, revoked if the Registration Holder complies with a Compliance Order pursuant to this Ordinance.

Subdivision 3. The City Council shall notify the applicant that registration has been denied, or the Registration Holder that registration is being suspended, revoked or not-renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification.

Subdivision 4. A determination by the City Council to deny, suspend, revoke or not-renew registration of a rental unit may be appealed to the City Council by filing with the City Clerk a written notice of appeal within fifteen (15) days of the date on which the City Council mails such determination to the applicant or Registration Holder. In that event, the appeal will be heard by the City council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.

Subdivision 5. At any appeal of a determination by the City Council under this Ordinance, the Registration Holder or applicant, Local Property Manager for the Registration Holder or applicant, or an attorney representing them, may appear and make a presentation to the City Council. After the hearing, the Council may uphold, reverse or modify the decision based upon the provisions of this Ordinance and upon the protection of the public health, sanitation, safety or general welfare of the community at large or the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing.

#### 14. SUMMARY ACTION

Subdivision 1. As a condition of receiving rental unit registration, each Registration Holder is presumed to agree and consent that when the conduct of any Registration Holder or Registration Holder's agent, representative, employee or lessee, or the condition of their rental unit, or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the community at large, or residents of the rental units so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the City Council shall have the authority to summarily condemn or close individual rental units or such areas of the rental dwelling as the Council deems necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall describe the units or areas affected. No person shall remove the posted notice, other than the Fire Marshall, City Council, or their designated representative. Any person aggrieved by the decision or the action of the City Council or Fire Marshall set out in this Subdivision may appeal the decision following the procedures set forth in Section 11, subdivision 4. The date of the hearing may be expedited with the consent of the Registration Holder.

#### 15. APPLICABLE LAWS:

Registration Holders are subject to all of the ordinances of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

16. VIOLATIONS, INJUNCTIVE RELIEF:

Subdivision 1. Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health safety or other codes, ordinances and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

Subdivision 2. Violation of this Ordinance is a misdemeanor. Each separate day on which a continuing violation occurs is a separate violation.

17. PENALTIES:

Subdivision 1. Any person violating any of the provisions of this Ordinance by doing any act or omitting to do any act which constitutes a breach of any Section of this Ordinance, shall, upon conviction thereof by lawful authority, be punished by a fine not to exceed seven hundred dollars (\$700.00) and/or by imprisonment not to exceed ninety (90) days, together with the costs of prosecution. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this Ordinance designating the duties of any official or employee of the City of Cass Lake shall be so construed as to make such official or employee liable for the penalty provided in this Section because of failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly express in this Section creating the duty. All costs of prosecution will be assessed to the property owner.

18. WRITTEN NOTICES:

Notices from the City required by this ordinance shall be effective if personally delivered or if mailed to the addressee by certified mail, return receipt requested, to the address shown in the City file pertaining to the rental unit involved in the notice.

19. EFFECTIVE DATE:

This Ordinance is effective upon its adoption and publication pursuant to the City of Cass Lake.

20. SEVERABILITY CLAUSE:

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

This Ordinance shall take effect immediately from and after its passage and publication according to law.

ADOPTED BY THE COUNCIL OF THE CITY OF CASS LAKE THIS 18th DAY OF February, 2004.

*Vote:*

*Elaine Fleming: Yea*

*Eleanor Kirkpatrick: Yea*

*Roxann Gendron: Yea*

*Pattie Reiplinger: Yea*

*Rhonda Michaud resigned from office Nov. 12, 2003*

*Richard Molash: Yea*

*Appointed to office January 14, 2004*

APPROVED:

ATTEST:

\_\_\_\_\_  
By: Elaine Fleming  
Its: Mayor

\_\_\_\_\_  
By: Renee Eckerly  
Its: City Clerk-Treasurer

*Public Hearing and first reading August 28, 2002*

*Public Hearing and reading October 22, 2003*

*Public Hearing and Second Reading December 10, 2003*

*Third Reading January 28, 2004*

*Final Reading February 18, 2004*

***Amended 8-28-2008 by Full Council: Wayne LaDuke, Art Schumaker, Rick Haaland, Eleanor Kirkpatrick, Ila Senn.***

***Amended 6-10-2015 by Council: Wayne LaDuke, Wayne Bohn, Scott Reimer, Leonard Fineday, Absent: Kevin Gallagher***

***Amended 2-20-2018 by Council: Jerry Smith, Wayne Bohn, Scott Reimer, Barb Sproul, George Donnell***