

CITY OF OAKDALE
ORDINANCE 2022-901

AMENDING THE CODE OF ORDINANCES FOR THE CITY OF OAKDALE,
CHAPTER 7 ARTICLE II PERTAINING TO RENTAL HOUSING LICENSING

The City Council of the City of Oakdale ordains:

Section 1. Section 7-5.1 of the Oakdale Code of Ordinances is hereby amended as follows:

Sec. 7-5.1. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- **Administrative Law Judge.** A person designated by City Council to preside over matters related to license revocation, suspension, denial or non-renewal.
- **City.** The City of Oakdale, Minnesota.
- **City Building Official.** The City of Oakdale Building Official is hereby appointed as the code official for the purpose of this Code and employees acting under his or her direction and control shall be deemed to be deputy code officials for purposes of this City Code Chapter and Article.
- **City Council.** The City Council of the City of Oakdale, Minnesota.
- **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- **Let For Occupancy.** To permit, provide or offer possession or occupancy of a dwelling unit, building, premises or structure, whether for a fee or not, by a person who is not the legal owner of the property, pursuant to the terms of a written or unwritten lease.
- **Multiple Dwelling Unit Residential Building.** A building with any dwelling let for occupancy joined to another dwelling let for occupancy at one or more sides by a party wall or walls, including apartments, townhomes, twin homes, duplexes or quad homes.
- **Rental Dwelling.** An apartment or general housing unit let for occupancy.
- **Licensee.** An owner that lets for occupancy a rental dwelling or at least one dwelling unit and is required to be licensed under this chapter.
- **Manager or Agent.** Any person who is in charge, care or control of a rental dwelling or rental dwelling unit.
- **Occupant or Tenant.** Any person occupying, living, sleeping or having possession of a space with any dwelling unit or rental dwelling who that has been let for occupancy.

- Owner. A person, individual, corporation, firm, association, company, partnership, organization or any other group acting as a unit holding title to a dwelling unit or rental dwelling or otherwise having control of the dwelling unit or rental dwelling, as recorded in the official state, county or city records.
- Qualifying relative. An owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood, adoption, or marriage.

Section 2. Section 7-6 of the Oakdale Code of Ordinances is hereby amended as follows:

Sec. 7-6. Licensing of Rental Units.

1. **License Required.** No person shall let for occupancy a rental dwelling within the City of Oakdale without first having obtained a license to do so from the City of Oakdale as hereinafter provided. Rental housing licenses shall be issued only by the City of Oakdale Building Official, and shall be issued as either a regular or as a provisional license, consistent with definitions as provided in Article II.

Rental renewal application and fee are to be returned within 30 days after receipt of rental application form. After receipt of a properly completed application and license fee as required under section 7-7 of this Article, the City Building Official shall schedule an inspection. Property owner or designated manager is required to meet inspector for all initial property inspections.

Rental units shall include homestead properties where the homestead owner does not occupy the dwelling unit. If found to be renting or causing to rent a dwelling, dwelling unit, housekeeping unit, rooming unit or rental unit without a proper license, an investigative fee as established by resolution shall be paid by the owner whether or not the dwelling, dwelling unit, housekeeping unit, rooming unit or rental unit is subsequently licensed.

2. **License term.** All licenses issued under this section shall expire December 31 of each year. Provisional licenses shall be issued for a period of 6 months. All provisional licenses shall be reviewed within 6 months of the date of issue to determine compliance with the requirements of this section.
3. **Condition of License.** Prior to issuance of a license and at all times during the term of such license, the license holder must remain current on the payment of all utility fees, taxes, and assessments due to the City on all licensed property within the City owned by the license holder. In the event a suit has been commenced under Minnesota Statutes, Section 278.01-278.03, questioning the amount or validity of taxes, the City Council may, on application, waive strict compliance with this provision: no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) tax year after becoming due.

4. Exceptions:

- a. These rental licensing requirements do not apply to a dwelling unit or rental dwelling that is occupied by the owner or the owner's qualifying relatives.
- b. These rental licensing requirements do not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, group homes, nursing homes, hotels, motels, or cooperatives.
- c. These rental licensing requirements do not apply to a facility for which a reasonable accommodation has been granted by the city under the Federal Fair Housing Amendments Act of 1988.

Section 3. Section 7-8 of the Oakdale Code of Ordinances is hereby amended as follows:

Sec. 7-8. Owner, Manager or Agent to Apply. The owner of the rental units, or the owner's legally constituted agent or manager shall make license applications. Application forms may be acquired from, and subsequently filed with, the City Building Official. The applicant shall supply:

1. First, middle (if any), and last name, address, date of birth, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation, association manager if an association, CEO if a company, manager of any organization or any other group.
2. Name, address, and telephone number of designated resident agent, if any.
3. Name, address and telephone number of vendee, if the dwelling unit is being sold through a contract for deed.
4. Legal address of the dwelling.
5. Number of dwelling units within the rental dwelling.
6. Description of the procedure through which tenant inquiries and complaints are to be processed, along with certification that all present tenants have been notified in writing of the established tenant complaint/inquiry procedure.
7. Payment status concerning all utility fees, property taxes, and other assessments on the involved dwelling and other rental real property in the city owned by the applicant.

Current license holders are required to give notice in writing to the City Building Official within five (5) business days after any material change to the licensing/renewal information previously provided via corresponding application. Notice of transfer of ownership shall be described in section 7-13.

Section 4. Section 7-9 of the Oakdale Code of Ordinances is hereby amended as follows:

7-9. Resident Agent Required. No operating license shall be issued for a nonresident owner of rental dwelling units (one who does not reside within 50 miles of the Rental Dwelling ~~in any of~~

~~the following Minnesota counties: Washington, Hennepin, Ramsey, Anoka, Carver, Dakota or Scott~~ unless such owner designates in writing to the City Building Official the name of the resident agent (one who does reside within 50 miles of the Rental Dwelling in any of the following Minnesota counties: Washington, Hennepin, Ramsey, Anoka, Carver, Dakota or Scott) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provision of the City Ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or purpose pursuant to law. The City Building Official shall be notified in writing of any change concerning the identity of a designated resident agent.

Section 5. Section 7-11 of the Oakdale Code of Ordinances is hereby amended as follows:

Sec. 7-11. Inspection Condition and Authority.

1. No operating license shall be issued without the property owner's written consent to permit all forms of inspection required pursuant to this section. Specific consent to on-premise inspection is a required element of all initial license applications issued under this article.
2. The City Building Official shall administer and enforce the provisions of this Ordinance and is hereby authorized to order inspections on a scheduled basis for rental dwelling units at least once every three years; Or as otherwise may be required when reason exists to believe that a violation of this Ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours, and the City Building Official shall present proper identification and evidence of official capacity to the occupant in charge of a respective dwelling unit.
3. Exceptions. A rental inspection is not required for the first 3 years for newly constructed multiple dwelling unit rental buildings following issuance of a Certificate of Occupancy under the provisions of the Minnesota State Building Code.

Section 6. Section 7-15 of the Oakdale Code of Ordinances is hereby amended as follows:

Sec. 7-15. Administrative Fine, Imposition of License Conditions, License Suspension, Revocation, Denial, and Non-Renewal.

1. Every license issued under the provisions of this Article is subject to administrative fines, imposition of license conditions, suspension and/or revocation by the Building Official.
2. In the event that a license is suspended or revoked by the Building Official, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as the Building Official has restored a valid license.
3. Any person violating this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day of each violation shall constitute a separate punishable offense.

4. The Building Official may impose an administrative fine, impose license conditions, suspend, revoke, or decline to renew any license issued under this Article upon any of the following grounds:
 - a. False statements on any application or other information or report required under this Article to be given by the applicant or licensee.
 - b. Failure to pay any application, penalty, re-inspection or re-instatement fee required by the Article and City Council resolution.
 - c. Failure to correct deficiencies noted on Rental Housing Correction Notice in the time specified in that notice.
 - d. Failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.
 - e. Failure to operate or maintain the licensed premises in conformity with all applicable state laws and codes and this Code of Ordinances.
 - f. Any other violation of this Article.

5. Administrative fine, imposition of license conditions, suspension, revocation, or non-renewal may be under either this section or section 7-16, or both. Penalties occurring within a thirty-six (36) month period may increase or decrease in severity due to aggravating or mitigating circumstances, but otherwise will be presumed as follows:
 - (a) First violation. Any licensee found to have violated this Chapter shall be charged an administrative penalty of two hundred fifty dollars (\$250).
 - (b) Second violation. Any licensee found to have violated this Chapter two (2) times within a thirty-six (36) month period shall be subject to a five hundred dollar (\$500) administrative penalty.
 - (c) Third violation. Any licensee found to have violated this Chapter three (3) times within a thirty-six (36) month period shall be subject to a one thousand five hundred dollar (\$1,500) administrative penalty.
 - (d) Fourth violation. Any licensee found to have violated this Chapter four (4) times within a thirty-six (36) month period shall have their license revoked.

6. A regular license may be revoked at either the end of a six-month review period, as described in section 7-6.2, or immediately prior to the end of the one year license term upon a finding that the licensed premises are only eligible for a provisional license as provided in section 7-18.

7. A decision to fine, impose license conditions, suspend, revoke, deny or not renew a license shall be preceded by written notice to the applicant or licensee specifying the grounds for such fine, license conditions, suspension, revocation, denial or non-renewal. The applicant or licensee will be given an opportunity for a hearing before the City's Administrative Law Judge before final action to fine, impose license conditions, suspend, revoke, deny or not renew a license. Provided, the applicant or licensee has submitted a written application for appeal within 10 days after the decision, notice or order was served. The Administrative Law Judge shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine, impose license conditions, suspend, revoke,

deny, or not renew a license only upon written findings. Within 10 days of the Administrative Law Judge's order, the decision may be appealed to the City Council.

8. The Building Official may suspend, revoke, deny or not renew a license for part or the entire rental dwelling facility.
9. Licenses may be suspended for up to ninety (90) days and may, after the period of suspension, be re-instated subject to compliance with this Article and any other conditions imposed by the Building Official at the time of the suspension. Licenses that are revoked will not be re-instated until the owner has re-applied with licensing and displayed compliance with all relevant requirements to the level required under this Article, including all conditions imposed at the time of revocation. Upon a decision to revoke, deny or not renew a license, no new application for the same rental dwelling will be accepted for the period of time specified in the Building Official's written decision, which shall not exceed one year. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an initial application for a new rental dwelling facility will not take the form of a suspension or revocation unless the applicant in connection with the application has made false statements. A decision to deny an initial application shall state the conditions of re-application. All new applications must be accompanied by a re-instatement fee, as specified by City Council resolution, in addition to all other fees required under this Article.
10. A written decision to suspend, revoke, or deny a license or application shall specify the part or parts of the rental dwelling facility to which it applies. Thereafter, and until a license is reissued or re-instated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Suspension, revocation or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Article during the term of suspension, revocation, or non-renewal is a misdemeanor and grounds for fines, license conditions, extension of the terms of such suspension or revocation or continuation of non-renewal, or for a decision not to re-instate the license, notwithstanding any limitations of the period of suspension, revocation, or non-renewal specified in the City Council's written decision or in paragraph 8 of this Section.

Section 7. This Ordinance shall take effect and be in full force from and after its adoption and publication, as provided by law.

Voting in Favor: Mayor Reinke, Council Members Ingebrigtsen, Olson, Swedberg, and Zabel;

Voting Against: None

Adopted this 13th day of December 2022 by the Oakdale City Council.



Paul Reinke, Mayor

Attest:



Sara Ludwig, City Clerk

Published: December 16, 2022

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