

CHAPTER IV

BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

SECTION 400 - BUILDING CODE

400.01. Building code adopted. Subdivision 1. State building code adopted. The Minnesota state building code (SBC), is adopted by reference.

Subd. 2. Rules: provisions of SBC. The following chapters of Minnesota Rules are adopted by reference as part of the building code:

- a) 1300 Administration of the Minnesota State building code.
- b) 1301 Building official certification.
- c) 1302 State building construction approvals.
- d) 1303 Minnesota provisions.
- e) 1305 Adoption of the 2000 uniform building code.
- f) 1306 Special fire protection systems.
- g) 1307 Elevators and related devices.
- h) 1309 Adoption of the 2000 international residential code.
- i) 1311 Adoption of the 2000 guidelines for the rehabilitation of existing buildings.
- j) 1315 Adoption of the 2002 national electrical code.
- k) 1325 Solar energy system.
- l) 1330 Fallout shelters.
- m) 1335 Floodproofing regulations.
- n) 1341 Minnesota accessibility code.
- o) 1346 Adoption of the Minnesota state mechanical code.
- p) 1350 Manufactures homes.
- q) 1360 Prefabricated buildings.
- r) 1361 Industrialized/modular buildings.
- s) 1370 Storm shelters (manufactured home parks).
- t) 4715 Minnesota plumbing code.
- u) 7670, 7672, 7674, 7676 and 7678 Minnesota energy code.

(Amended, Ord. No. 39, Third Series)

400.03. Permit fees. Fees for permits under this chapter, which may include a surcharge, are determined by the council and set forth in appendix I.

400.05. Building permits required. It is unlawful to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, if the labor and materials involved in such work have a combined value of \$1,000 or more, or cause the same to be done, without first obtaining a separate building or mechanical permit for each such building, structure or mechanical components. In addition to any other penalty, if any act for which a permit is required is begun before a permit has been issued, the applicable permit fee will be doubled or the fee will be \$200, whichever is greater, and the owner of the property and the contractor who began work before the permit was issued are each liable to pay one-half of the fee.

400.07. Permits and special requirements for moving buildings. Subdivision 1. Definition. "Street" or "streets" means streets and highways in the city other than state trunk highways, county state-aid highways or county roads.

Subd. 2. Moving permit. It is unlawful to move a building on a street without a building moving permit.

Subd. 3. Application. The application for a building moving permit must state (i) the approximate size and weight of the structure or building proposed to be moved, (ii) the places from and to which it is proposed to move the same, (iii) the proposed route to be followed, (iv) proposed dates of moving and parking, and (v) the name and address of the proposed mover. The application must also state any municipal utility, street and public property repairs or alterations that will be required.

Subd. 4. Permit and fee. The moving permit must state the date or dates of moving, hours, routing, movement and parking. Permits will be issued only for moving buildings by building movers licensed by the state of Minnesota, except that a permit may be issued to a person moving that person's own building, or a person moving a building which does not exceed 12 feet in width, 25 feet in length, or 16 feet in loaded height. Fees to be charged are separate for each of the following: (i) a moving permit fee to cover use of streets and route approval, and (ii) a fee equal to the anticipated amount required to compensate the city for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. Fees must be paid in advance. Fees are set forth in appendix I.

Subd. 5. Building permit and code compliance. Before a building is moved from one location to another within the city, or from a point of origin within the city to a destination outside the city, regardless of the route of movement, the building must be inspected and a building permit issued for the work necessary to bring it into full compliance with the state building code.

Subd. 6. Proof of tax payment. It is unlawful to move a building (including a manufactured home) if the point of origin or destination (or both) is within the city, and regardless of the route of movement, without having paid in full all real and personal property taxes and special assessments due thereon, and filing written proof of such payment to the city.

400.09. Underground utility installations. The installation of wires, lines, cables or piping above the surface of the ground for electrical, telephone, television or gas is prohibited in any areas of new construction or major reconstruction, except service connections on private property or wires for television antenna on private property. These installations are subject to inspection and approval of the public works superintendent.

400.11. Hazardous buildings. Minnesota Statutes, sections 463.15 to 463.261 are adopted by reference.

400.13. Unsafe buildings. Subdivision 1. Definition and abatement. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, unsanitary conditions, physical damage, obsolescence, fire hazard, or abandonment, as specified in the SBC, another provision of the city code, or any other law, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified herein. (Added, Ord. 22, Third Series)

Subd. 2. Notice to owner. The building official shall examine or cause to be examined every building or structure or portion thereof which is dangerous or damaged and, if such is found to be an unsafe building, the building official shall give to the owner of such building or structure written notice stating the defects therein, and shall, in detail, indicate the improvements or repairs to be made and may state that if repairs and improvements are impractical and not feasible to ultimately provide for the public safety and health, that such building or structure shall be removed. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within a reasonable period of time as so stipulated in the notice by the building official. Such notice may require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official. Proper service of such notice shall be by personal service upon the owner of record or by registered or certified mail, provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the building official shall begin as of the date of delivery shown upon the return receipt. If, in the event of an emergency situation the building official determines that to protect the public interests of health and safety, precautions and/or repairs or removal must be conducted immediately, the building official shall order the

immediate cordoning off of any or all areas surrounding such building or structure causing the emergency conditions the building official shall notify the owner of record forthwith and order repairs to be commenced immediately. In the event notice cannot be made effective in sufficient time for the owner to abate the condition or properly cordon off the area, the council shall meet and order necessary precautions to protect the public and notice of such actions shall be made on the owner of record forthwith. (Added, Ord. No. 22, Third Series)

Subd. 3. Hearing procedure. Within 20 days from the date of service, any person upon whom the order is served may request a hearing by the council. If such a hearing is requested the execution of the order prepared by the building official shall be stayed and the time period as provided in the notice shall not commence until such hearing has taken place and the order of the council shall be given. (The requirements of this subdivision, however, shall not infringe upon the rights of the council and building official in the event of emergency as described in subdivision 2, above.) If an emergency situation exists as referenced in subdivision 2 above, the hearing shall be held forthwith and demand for such hearing must be made at the earliest reasonable time by the person upon whom notice is served following receipt of such notice. (Added, Ord. No. 22, Third Series)

Subd. 4. Posting of signs. The building official shall cause to be posted at each entrance to such building a notice to read: DO NOT ENTER, UNSAFE TO OCCUPY, PUBLIC WORKS/BUILDING DEPARTMENT, CITY OF KENYON. Such notice shall remain posted until the required repairs, demolition, or removal is completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purpose of making the required repairs or for demolishing the building. (Added, Ord. No. 22, Third Series)

Subd. 5. Right to demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the council may order the owner of the building prosecuted as a violator of the provisions of this section and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council, who shall cause the same to be paid and levied as a special assessment against the property. (Added, Ord. No. 22, Third Series)

Subd. 6. Costs. Costs incurred under provisions of this section shall be paid out of the city general fund. The city administrator shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments, but the assessment shall be payable in a single installment. (Added, Ord. No. 22, Third Series)

Subd. 7. Unlawful act. It is unlawful for the owner of any property to suffer or permit an unsafe building as defined herein to remain thereon. (Added, Ord. No. 22, Third Series)

SECTION 405 - HOUSING CODE:REGISTRATION OF RENTAL UNITS

(Added, Ord. No. 46, Third Series)

405.01. Registration certificate required. Subdivision 1. No owner shall allow another person to occupy, nor shall any person let to another for occupancy, any dwelling or rooming unit in any dwelling, any apartment, any motel or hotel room, manufactured home, campground facility or similar rental unit without first obtaining a registration certificate as provided in this chapter, or at such time that the registration certificate, or the right to receive such a registration certificate, is suspended or revoked. This registration certificate is also referred to within this chapter as a "rental license" or "license." Any registration certificate obtained pursuant to this section shall be issued in the name of the owner. 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 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 unit or units within the dwelling.

Subd. 2. The occupancy or rental of any dwelling, or any apartment, or rooming unit in any dwelling 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 administrator 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 administrator within the period of time authorized by the city administrator.

405.03. Application for registration certificate. An application for a registration certification shall be filed by the owner with the city administrator. 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 administrator at least 30 days prior to such conversion.

405.05. Application forms. Forms of applications for registration certificate that shall be supplied by the city administrator will be available at city hall.

405.07. 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 of birth 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 the city housing code, 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 operator or agent actively involved in maintenance or management of said dwelling.
- d) Legal street address of the dwelling.
- e) Complete details of the number and kind of units offered for rent, classified as to the type of unit on the application, and the facilities incorporated in such rental units, including updated floor plans for emergency response purposes, as well as an updated list of tenants, with such updated floor plans and list of tenants requirements constituting a continuing obligation of the applicant during the registration certificate period.
- 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 administrator. 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 chapter, intends to abide by the provisions and will include reference to this chapter in any written lease used in renting the property.

405.09. Compliance with the zoning. Every application for registration certificate shall be accompanied by a certificate issued by the city administrator indicating that the proposed use of the dwelling is in compliance with zoning requirements.

405.11. Investigation. The city administrator shall investigate all applications for the registration certificate to verify that the dwellings, apartments, or rooming units offered for rent comply with the provisions of this code, including any provision of the zoning, building, fire safety, or health ordinances set forth in the city code.

405.13. Issuance and posting of registration certificate. Whenever the investigation of an application indicates that the dwellings, apartments, or rooming units offered for rent comply with all provisions of this code, including any provisions of the zoning, building, fire safety, or health ordinances set forth in the city code, the city administrator shall issue a registration certificate. Every registrant of a dwelling, apartment or rooming unit offered for rent shall post the registration certificate in a conspicuous place.

405.15. Notice of violation. Whenever the investigation of an application for registration certificate indicates that the dwelling, apartment or rooming unit offered for rent does not comply with the provisions of this code, the city administrator shall serve a notice to the applicant. Additionally, owners of rental property must give notice of outstanding violations under this chapter to purchasers of such property.

405.17. Rejection of application. Whenever the investigation of an application for registration certificate indicates that the dwelling, apartment or rooming unit does not comply with the provisions of this code, and from the nature of the violations, the dwelling, apartment or rooming unit cannot be brought up to meet the minimum requirements, the city administrator shall return the application to the applicant stating the reasons for the rejection of the application.

405.19. Temporary rental registration certificates. The city administrator may issue a temporary rental 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 practically feasible as a result of factors beyond the rental property 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 rental property owner's making the needed corrections with timelines determined by the city administrator and identified on the temporary certificate. The temporary certificate shall expire if the work is not completed, inspected and approved by the city administrator by the date listed thereon.

405.21. Appeals. Any applicant whose application for registration certificate, after investigation has been rejected by the city administrator, may request and shall be granted a hearing in the matter before the board established pursuant to, and under the procedures set forth in section 405.37 of this chapter.

405.23. Failure to register. Every person required to register a dwelling, apartment, or rooming unit offered for rent under the provisions of this chapter and who fails to do so, or who allows the property to be occupied when the registration certificate or right to receive such registration certificate is revoked or suspended, shall be guilty of a violation of this code. Each day that a property is rented out without a valid rental registration certificate on file for that property is a separate violation. A violation of this section shall be a misdemeanor punishable by up to a \$700 fine, 90 days in jail, or both.

405.25. Certificate renewal and non-transferability. Subdivision 1. All registration certificates shall expire one year after date of issuance and must be renewed annually. All information required by this chapter must be submitted at the time of renewal. Whenever the applicant certifies that no change has been made in a registered dwelling, apartment, or rooming unit, and the registered unit has been inspected within the preceding 12 months, a renewal registration certificate may be issued without reinspection by the city administrator, provided the owner certifies that the units are in compliance with this code, including any applicable provisions of the zoning, building, fire safety, or health ordinances.

Subd. 2. Every person who transfers title to property registered under this chapter shall provide the city administrator with the name, residence address, telephone number, and date of the transfer of title to the new owner within 10 days of the date of such transfer. Within 30 days of the date of such transfer, the new owner shall apply for a new registration certificate. In the case of an option contract where the holder of the option is collecting rents and/or is paying on the mortgage to the property while the option remains unexercised, the holder of the option 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 owner's name. The date the option contract is created shall be deemed to be the date the holder of the option becomes the "owner" for purposes of this section.

Subd. 3. Registration certificates may not be transferred or assigned.

405.27. Suspension or revocation of registration certificate. Subdivision 1. Any registration certificate issued by the city pursuant to the provisions of this chapter 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 the Kenyon city code, any applicable federal or state statute or administrative rule, or any county ordinance.

Subd. 2. 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 dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as required by this chapter and, during such time, has failed to comply with any provision of the Kenyon city code, any applicable federal or state statute or administrative rule, or any county ordinance.

Subd. 3. Whenever it appears to the council that adequate grounds may exist for the suspension or revocation of a registration certificate, or the right to receive a registration certificate, the council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.

Subd. 4. No such suspension or revocation shall be effective until the license or permit holder has been afforded an opportunity for a hearing under sections 14.57 to 14.70 of the Minnesota Administrative Procedure Act.

Subd. 5. Upon a finding that the registration certificate holder or applicant has violated any such statute, rule, or ordinance, the council may invoke any of the sanctions provided in this chapter.

405.29. Fees. Subdivision 1. In addition to such other fees as may be imposed by this code, a non-refundable fee of \$15.00 for each dwelling building containing less than four units, \$20.00 for each dwelling building containing four to eight units, or \$25.00 for each dwelling building containing nine or more units, shall be paid when an application for a registration certificate or renewal is filed with the city administrator as required by this chapter. If an application for renewal is not made prior to the expiration of the certificate, an additional fee of \$2.50 per day shall be charged for each day thereafter up to 20 days or until the application is filed, whichever occurs first. In addition to any other fee provided by this section, an owner shall pay an additional fee of \$30.00 if, without reasonable cause, the owner fails to keep a scheduled appointment.

Subd. 2. There shall be no additional fee charged for an initial inspection to determine the existence of a code violation, nor any fee for the first reinspection to determine compliance with an order to correct a code violation. An additional \$30.00 fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order. The reinspection fee may be waived by the city administrator or the city administrator's designees in case of an error or other reasonable cause, including an extension of time granted for compliance, an unclear or incorrect correction order, or a change of ownership during the time allotted for compliance. All fees collected under this chapter shall be paid to the city.

405.31. Legislative intent. It is declared to be the purpose and intent of this chapter to protect and preserve this city's neighborhoods and the public health, safety, welfare and morals of those who live there. The city council determined that:

- a) there are persons residing in rental property in the city engaging in disorderly conduct which results in a hostile environment for other citizens living close to the rental property;
- b) there is currently no city ordinance which provides a formal procedure by which the city can notify a rental property owner or manager of the disorderly conduct occurring on the property;
- c) there is currently no procedure by which the city can require a rental property owner or manager to respond to and resolve the occurrences of disorderly conduct occurring on the rental property and to take administrative action against owner or manager's rental registration certificate or right to obtain a rental registration certificate should owner or manager fail to do so.

Accordingly, it is the intent of this chapter to address the serious and, at times, life threatening problems posed by the occurrence of disorderly conduct to the health and safety of all city residents in all portions of the city. At the same time, the city council recognizes, acknowledges, and complies with all due process and property rights enjoyed by those who own or manage rental property as well as those who reside in such property. This section represents the city's good faith effort to balance those competing and legitimate interests.

405.33. Definitions. For the purpose of this chapter, the following terms shall have the meanings ascribed to them.

"Appropriate action" shall mean that action which a reasonable rental property owner would take based upon the facts and circumstances of each case so as to prevent a reoccurrence of the disorderly use.

"License" shall mean a registration certificate or the right to receive a registration certificate as required by this chapter.

"Rental property owner" shall mean one who holds the license or who is otherwise obligated to obtain and maintain the license as required by this chapter.

"Licensed premises" or "premises" shall mean the property owned, operated, or managed by a rental property owner and shall refer to an individual unit within a multi-unit complex when applicable.

"Disorderly" or "disorderly use" shall mean that conduct occurring on the "licensed premises" or "premises" which violates a provision of this chapter or the Kenyon city code.

405.35. Conduct on licensed premises. Subdivision 1. Any rental property owner shall be responsible to take appropriate action against persons occupying specific units in the licensed premises or premises who conduct themselves in such a manner as to cause the premises to be disorderly in violation of the statutes or ordinances listed in this chapter. For purposes of this chapter, the term "persons occupying the premises" shall include tenants as defined by Minnesota Statutes, section 566.18, and those persons on the licensed premises whose presence the tenant has invited or to which the tenant has acquiesced. Violations of this section apply to individual units within buildings or complexes containing multiple units when the conduct occurs within a unit. Violations of this section by persons occupying specific units that occur within a common area of the licensed premises shall apply both to the individual unit and to the common area of the licensed premises.

Subd. 2. The following ordinances and statutes are applicable to this section:

- a) The Kenyon city code;

- b) Minnesota Statutes, sections 617.80 through 617.87 regarding public nuisances;
- c) Minnesota Statutes, sections 617.23 through 617.299 prohibiting obscenity;
- d) Minnesota Statutes, sections 609.75 through 609.76 prohibiting gambling;
- e) Minnesota Statutes, sections 152.01 through 152.025 and section 152.027, subdivisions 1 and 2, prohibiting the unlawful sale or possession of controlled substances;
- f) Minnesota Statutes, chapter 340A prohibiting the unlawful sale, use or possession of alcoholic beverages;
- g) Minnesota Statutes, sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, prohibiting the unlawful possession, transportation, sale, or use of a weapon;
- h) Minnesota Statutes, section 609.72 prohibiting disorderly conduct; or,
- i) Minnesota Statutes, sections 609.221, 609.222, 609.223, 609.2231, and 609.224 prohibiting assaults, except that domestic assaults, as the same are defined by state law, are not included herein.

Subd. 3. The Kenyon police department, Goodhue county sheriff or city administrator shall be charged with the responsibility of enforcing this chapter.

Subd. 4. Upon determination by the Kenyon police department, Goodhue county sheriff or city administrator that the licensed premises were involved in a disorderly use, the Kenyon police department, Goodhue county sheriff or city administrator shall notify the license holder by regular mail of such violation and direct the license holder to take appropriate action to prevent further violations. Notice shall be effective if mailed to the license holder at that person's last known address. This and subsequent notices are collectively referred to as disorderly use notices.

Subd. 5. If another instance of disorderly use on the premises occurs within 12 months of an incident for which a prior disorderly use notice was given, the license holder shall be notified of the instance of disorderly use and shall also be required to submit a written report of appropriate actions taken by the rental property owner to prevent further disorderly use of the premises. This written report shall be submitted to the Kenyon police department, Goodhue county sheriff or city administrator within five days of the notice of disorderly use of the premises and shall, in addition to the report of appropriate actions to be taken, detail all actions taken by the rental property owner in response to all notices of disorderly use of the premises within the preceding 12 months. Failure to submit the written report as required herein shall be a basis for the imposition of a fine and the revocation or suspension of the license or right to receive the license for the specific units or units located on the licensed premises as otherwise provided for in this chapter.

Subd. 6. If another instance of disorderly use of the premises occurs within 12 months of two or more prior disorderly use notices, the license or right to obtain such license may be revoked or suspended for a specific unit or units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

Subd. 7. If another instance of disorderly use of the premises occurs within 12 months of the expiration of a prior suspension issued pursuant to the provisions of this chapter, the license or right to obtain such license may be revoked or suspended for the specific unit or units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

Subd. 8. No suspension or revocation or other sanctions shall be imposed where one or more of the three required disorderly use notices were mailed or delivered to the landlord after the rental property owner has filed an unlawful detainer action with the district court for the particular unit or units identified in the disorderly use notice. Calls to the police or sheriff made by rental property owners shall not be considered incidents of disorderly use in the implementation of this chapter. The initiation of an unlawful detainer action shall not be a bar to sanctions, however, unless the action is diligently pursued by the rental property owner. Notice of and a copy of the unlawful detainer action shall be delivered to the Kenyon police department, Goodhue county sheriff or city administrator. A determination that the licensed premises have been involved in a disorderly use as described in this chapter 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.

Subd. 9. This section applies to all leases, whether written or oral, and a landlord may consider any tenant's conduct listed in this chapter to be both a material breach of the lease and grounds for termination in any unlawful detainer action. Additionally, all written leases executed after September 30, 2004, shall contain a clause providing that conduct that violates this chapter constitutes both a material breach of the lease and grounds for termination of such lease.

Subd. 10. This ordinance is not intended to supersede criminal sanctions that may be applied to the individual who violates the statutes and ordinances listed in this chapter.

405.37. License suspension and revocation. Subdivision 1. Upon a determination that a license or right to obtain such a license may be suspended or revoked, or that a fine or other sanctions may be imposed, a public hearing shall be held before a body to be known as the rental housing complaint board. The rental housing complaint board shall consist of one city council member, one officer from the Kenyon police department or the Goodhue county sheriff's department, and one properly licensed rental property owner . All parties shall be afforded an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place, and issues involved. At this hearing, rental property owners may present evidence of mitigating circumstances showing the absence of any need for a public hearing before the city council to consider the revocation or suspension of the license or right to receive such a license, or the imposition of fines or other sanctions. The board shall in good faith hear and consider this evidence in making a determination to hold a public hearing. At the conclusion of the hearing, the board shall make a recommendation to the city council regarding whether a need exists for a public hearing. The board's recommendation must be submitted to the city council for its consideration. If the city council determines to call for a public hearing to consider the issue of suspension or revocation, or the imposition of a fine, the city council shall follow the procedures described in subdivision 2.

Subd. 2. No suspension or revocation shall be effective until the rental property owner has been afforded an opportunity for a hearing under sections 14.57 to 14.70 of the Minnesota Administrative Procedure Act. Should the city council hold a public hearing pursuant to the recommendation of the rental housing complaint board, all parties shall be afforded an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place, and issues involved. At this hearing, license holders may present evidence of mitigating circumstances that would allow a rental property owner to retain their license or the right to obtain such a license. The city council shall in good faith hear and consider this evidence in making a determination to revoke or suspend the license or right to receive a license, impose civil penalties, or impose other reasonable conditions based upon violations of this chapter. The city council may postpone or discontinue such proceedings if it appears that the licensee has taken appropriate measures that will prevent further instances of disorderly use.

Subd. 3. The city council reserves the right to impose any of the following sanctions for violations of this chapter:

- a) suspend the license or right to receive a license for up to 60 days; or
- b) revoke the license or right to receive a license and establish the time period after which an application for a new certificate for the premises may be made; or
- c) impose a civil fine not to exceed an amount equal to one months' rent for each violation found as a result of the hearings; or
- d) impose other reasonable conditions intended to limit future incidents of disorderly use.

Subd. 4. Upon expiration of the suspension or revocation period, a license holder shall pay to the city a reinstatement fee equal to \$100.00 for the first unit re-licensed and \$20.00 for each additional unit.

405.39. Prospective tenant background investigations. Subdivision 1. The city council has determined that there are persons residing in rental property in Kenyon engaging in disorderly conduct which results in a hostile environment for other citizens living in or close to the rental property. It is the declared purpose and intent of this section to protect and preserve this city's neighborhoods and the public health, safety, welfare and morals of its citizens by providing a system at the local level for criminal history/background investigations of prospective tenants.

Subd. 2. Any owner of rental property may request that the Goodhue county sheriff's department conduct a criminal history/background investigation of a prospective tenant. Such request shall be on a form approved or provided by the Goodhue county sheriff's department. The applicant shall pay an investigation fee as established by the Goodhue county sheriff's department.