



CITY OF KENYON

709 2nd St.

Kenyon, MN 55946

507-789-6415 507-789-5604 Fax

Info@cityofkenyon.com www.cityofkenyon.com

APPLICATION FOR RENTAL PROPERTY LICENSE

(Expires on the third June 30th following Issuance)

PROPERTY INFORMATION AND DESCRIPTION

Property Address: _____

Number of Rental Units _____ # Rental Units having: 1 BR: _____ 2 BR: _____ 3 BR: _____ Other: _____

PROPERTY OWNER INFORMATION (Section A)

Current Owner MUST Be Listed -MUST be a Physical Address – **NO P.O. Boxes**
Fill in the name and address of the licensee. * indicates REQUIRED information.
Can't be rental property address, must be your mailing address.

Owner is: () Sole Proprietor () Partnership () Corporation

*Owner's Name: _____ *DOB _____ *Phone # _____

*Address:(No PO Box) _____

*City, State & Zip Code: _____

*Email Address: _____

NOTE: If licensee is a Partnership, Corporation, Management Co. or LLC this section must be completed.

Partner / Officer Name #1: _____ DOB _____ Phone # _____

Partner / Officer Name #2: _____ DOB _____ Phone # _____

BUILDING MANAGER, CARETAKER OR DESIGNATED AGENT

*Name & Title: _____ *Phone #: _____

*Business Address: _____

*City, State & Zip Code: _____

*Email Address: _____

LICENSE FEE – RENEW LICENSE EVERY 3 YEARS

* License Fee Due \$ _____

**\$30 Base Fee per Rental Property, Plus for Multi-family Dwellings/Apt. Bldgs: an additional \$10 per Unit over One
*NOT to Exceed \$100 per Rental Property***

I hereby acknowledge that I have reviewed the application, and read the requirements of Kenyon Ordinance 92. I further acknowledge responsibility for requirements expected to be performed as described in the Rental Housing Ordinance; and attests the subject premises will be operated and maintained according to the requirements contained therein, subject to applicable criminal penalties.

*(Property Owner) Printed Name _____

*(Property Owner) Signature _____ *Date _____

ORDINANCE NO. 92

**AN ORDINANCE REPLACING SECTION 405 OF THE
KENYON CITY CODE REGARDING RENTAL PREMISES**

THE CITY COUNCIL OF THE CITY OF KENYON, MINNESOTA, ORDAINS:

Section 1. Section 405 of the Kenyon City Code is hereby deleted in its entirety and replaced with the following:

SECTION 405 – RENTAL PREMISES

405.01. Purpose. It is the purpose of this section to assure that rental housing in the City of Kenyon is decent, safe and is operated and maintained so as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive for reinvestment in the community. The operation of residential rental properties is a business enterprise that entails certain responsibilities. Rental premises owners, agents, and property managers are responsible to take necessary reasonable actions to ensure that the persons who occupy such rental premises, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, free from noise, nuisances and annoyances, free from unreasonable fears about safety of persons and property, and free of drugs and crime.

405.03. Definitions. For the purpose of this section the following terms shall have the meanings ascribed to them.

“Appropriate action” shall mean 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 a disorderly use.

“Disorderly” or “disorderly use” shall mean proof by a preponderance of the evidence of one or more separate behavioral incidents described below:

- (a) Illegal drug-related activity occurring in or near the rental dwelling unit. Illegal drug-related activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance, as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per Minnesota Statutes, section 152.092.
- (b) Any act or threat of violence including, but not limited to, the discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, agent, manager, other tenants, tenant’s family members, guests or neighboring property owners.

- (c) Minnesota Statutes, sections 609.75 through § 609.76 (prohibiting gambling).
- (d) Minnesota Statutes, sections 609.321 through § 609.324 (prohibiting prostitution and acts relating thereto).
- (e) Minnesota Statutes, sections 152.01 et seq., which prohibits the unlawful sale or possession of controlled substances.
- (f) Minnesota Statutes, section 340A.401, which prohibits the unlawful sale of alcoholic beverages.
- (g) Minnesota Statutes, section 340A.503, which prohibits the underage use of alcoholic beverages.
- (h) Kenyon City Code, section 600, which prohibits unlawful noises.
- (i) Minnesota Statutes, sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.
- (j) Minnesota Statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
- (k) Minnesota Statutes, sections 609.185 through 609.205, which prohibit murder and manslaughter.
- (l) Minnesota Statutes, sections 609.221 through 609.2231, which prohibit assault.
- (m) Minnesota Statutes, sections 609.342 through 609.3451, which prohibit criminal sexual conduct.
- (n) Minnesota Statutes, section 609.52, which prohibits theft.
- (o) Minnesota Statutes, section 609.561 through 609.5632, which prohibit arson.
- (p) Minnesota Statutes, section 609.582, which prohibits burglary.
- (q) Minnesota Statutes, section 609.595, which prohibits damage to property.
- (r) Minnesota Statutes, section 609.33, relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house.
- (s) Minnesota Statutes, section 609.50, which prohibits obstructing the legal process.

- (t) Minnesota Statutes, section 609.713, which prohibits terroristic threats.
- (u) Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
- (v) Minnesota Statutes, section 609.71, which prohibits riot.
- (w) Minnesota Statutes, section 609.78, which prohibits interfering with "911" phone calls.
- (x) Minnesota Statutes, section 243.166 (predatory offender registration).
- (y) Minnesota Statutes, section 609.229, which prohibits gang-related crimes.
- (z) Minnesota Statutes, section 609.26, subdivision 1(8), which prohibits contributing to a child being runaway.
- (aa) Minnesota Statutes, section 609.903, which prohibits racketeering.
- (bb) Minnesota Statutes, section 609.53, which prohibits possessing stolen property.
- (cc) Minnesota Statutes, section 609.749, which prohibits violating a restraining order or order for protection.
- (dd) Minnesota Statutes, sections 609.255 and 609.25, which prohibit false imprisonment and kidnapping.
- (ee) Minnesota Statutes, section 609.74, clause (1) and (3), which prohibit maintaining or permitting a public nuisance.

"Owner" shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the rental premises; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the rental premises, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Rental premises" shall mean property which is rented to tenants for residential purposes, pursuant to a written or unwritten lease, and shall refer to all units in a multi-unit complex. The term "rental premises" shall not include rented lots in manufactured home parks, on-campus college or university housing units; Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed group homes; nursing homes; hotels; motels; owner-occupied single-family dwellings; or residential dwellings that are rented to at least one parent, child, sibling, grandparent or spouse of the owner.

405.05. Registration certificate required.

Subd. 1. No owner shall allow a person to occupy a rental premises, or a unit therein, without having a valid registration certificate from the City. Registration certificates shall be issued in the name of the owner and, in the case of a multi-family dwelling or apartment building, only one registration certificate is required and it shall apply to both the entire dwelling or apartment building as well as each individual unit therein. Any suspension of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or apartment building, or any individual unit or units within the dwelling or apartment building, in the City's sole discretion.

Subd. 2. An application for a registration certificate shall be filed by the owner with the City Administrator and shall be accompanied by a nonrefundable application fee, and in the case of a multi-family dwelling or apartment building, an additional per-unit application fee, as provided in the City's fee schedule. Each application shall contain the following information:

- (a) The name, address, and telephone number of the owner of the rental premises. If the owner is a partnership, the name of the partnership, address and telephone number of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name, address and telephone number of the chief operating officer. If the rental premises is being sold on a contract for deed, the name and address of the contract vendee;
- (b) The name, address and telephone number of an agent appointed by the owner to accept service of process and to receive or give receipt for notices under this section, if any;
- (c) The name, address and telephone number of an agent actively involved in maintenance or management of the rental premises, if any;
- (d) The legal street address of rental premises and the unit number for each unit offered for rent within the premises; and
- (e) The details regarding the number and type of units offered for rent within the rental premises and the facilities incorporated in such rental units.

Subd. 3. Whenever the review of an application indicates that the rental premises complies with all provisions of the City Code, including any provisions of the zoning ordinances, the City Administrator shall issue a registration certificate. Review of an application made under this section shall not include an inspection of the rental premises to determine code

compliance, although residential tenants may request inspections pursuant to Minnesota Statutes, section 504B.185 or any other applicable law.

Subd. 4. An application for any dwelling to be converted to a use which would require a registration certificate shall be made and filed with at least thirty (30) days prior to such conversion.

Subd. 5. Any owner required to register a rental premises under the provisions of this section and who fails to do so, or who allows a property to be occupied when the registration certificate is suspended, shall be guilty of a violation of this section. Each day that a rental premises is rented out without a valid registration certificate shall constitute a separate violation.

405.07. Term and renewal of registration certificates; non-assignment. Registration certificates will initially be required on or before July 1 of each year, starting on July 1, 2019. Each registration certificate shall expire on the third June 30 following its issuance and, accordingly, the maximum term length of a registration certificate shall be three years. Notwithstanding the foregoing, a rental certificate shall expire on June 30 of any year if the associated rental premises was the subject of any enforcement efforts by the City under this section during the previous calendar year, irrespective of whether said enforcement efforts resulted in a suspension. All information required in subsection 405.05, subdivision 2 must be resubmitted at the time of renewal, and renewal applications shall be submitted at least 30 days prior to expiration. Registration certificates may not be transferred or assigned.

405.09. Conduct on rental premises.

Subd. 1. Any owner of rental premises shall be responsible to take appropriate action against persons occupying the rental premises who conduct themselves in such a manner as to cause the premises to be deemed disorderly under this section. Upon a determination by the City that a rental premises was used for a disorderly use, the City shall notify the owner in writing of such determination and shall direct the owner to take appropriate action to prevent further incidents of disorderly use. The written notice shall be deemed effective if mailed to the owner at the address where tax statements are mailed for the rental premises pursuant to Goodhue County records.

Subd. 2. Upon a determination by the City that a second instance of disorderly use of the same rental premises occurs within 12 months of a written notice pursuant to subdivision 1 having been mailed, the City may suspend the owner's registration certificate for up to 90 days, impose reasonable conditions on the owner's registration certificate, or both, pursuant to the procedural requirements contained in subsection 405.11.

Subd. 3. Upon a determination by the City that a third instance of disorderly use of the same rental premises occurs within 12 months of a second occurrence pursuant to

subdivision 2, the City may suspend the owner's registration certificate for up to one year, impose reasonable conditions on the owner's registration certificate, or both, pursuant to the procedural requirements contained in subsection 405.11.

Subd. 4. If, prior to a decision by the City to suspend a registration certificate or impose conditions under subsection 405.11, the owner of the rental premises provides affirmative proof that formal action has been taken to terminate the tenancy of those persons involved in the disorderly use of the rental premises, the City may forego such suspension or imposition of conditions.

Subd. 5. All written leases for rental premises in the City executed after March 1, 2019 shall contain a clause providing that disorderly use, as defined in subsection 405.03 of this section, shall constitute both a material breach of the lease and grounds for termination of such lease.

405.11. Hearing procedure. Before suspending a registration certificate or imposing conditions thereon, a hearing shall be held before the City Council at a regular or special meeting and the owner shall be afforded an opportunity to appear and be heard at such hearing after receiving at least 10 days' written notice by mail. The notice shall state the date, time and location of the hearing and the reasons for considering the adverse action. At the hearing, the owner may present evidence of mitigating circumstances showing the absence of any need for adverse action. The City Council shall in good faith hear and consider all evidence in making a determination and, at the conclusion of the hearing, shall make a decision regarding suspension, the imposition of any reasonable conditions, both, or neither, and shall make findings on the record to support its decision. A decision by the City Council is final and shall be subject only to judicial review in accordance with state law. The City Council may postpone or continue a hearing for up to six months if, in its sole discretion, it determines that the owner has taken appropriate measures that will prevent further instances of disorderly use on the rental premises.

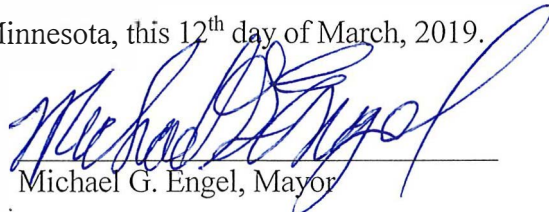
Section 2. This ordinance shall be in full force and effect upon its passage and publication.

Passed by the City Council of the City of Kenyon, Minnesota, this 12th day of March, 2019.

ATTEST:



Mark R. Vahlsing, City Administrator


Michael G. Engel, Mayor

(Published in the Kenyon Leader on May 8, 2019)