

Ordinance 2017-5

AN ORDINANCE OF THE CITY OF MONTROSE REGARDING RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, MINNESOTA, THAT:

SECTION 1. Chapter 90 of the City Code be amended to include the following:

90.03 Residential Rental Property Registration and Inspection

Purpose.

(A) The purpose of this article is to protect the health, safety and welfare of our community at large, and the occupants of residential rental properties in the City of Montrose. This article has also been developed to ensure that rental housing in our city is operated and maintained as not to become a nuisance to the neighborhood or an influence that fosters blight and deterioration, or does not create a disincentive to reinvest in our community.

(B) The operation of residential rental properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible for taking such reasonable steps as are necessary to ensure that the citizens of the city who occupy such rental properties may pursue the quiet enjoyment of the normal activities of life in their surroundings that are: safe, secure and sanitary; free from noise nuisances or annoyances; and free from conditions that endanger the health or safety of persons, and the security of property.

Definitions.

(A) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means a multi-family building containing dwelling units in a stacked configuration, having common walls and floors/ceiling.

Applicant means the rental manager or residential rental property owner completing the registration form prescribed herein.

Dwelling unit means a single unit providing a living space delineated by partitions of any kind for one or more persons.

Multiple residential building means a building with any dwelling joined to another dwelling at one or more sides by a party wall or walls, including apartments, townhomes, twinhomes, duplexes or quadhomes.

Rental manager means a person who has been delegated by the residential rental property owner the day-to day charge, care or control of a residential rental property, and is able to respond in-person to issues related to the residential rental property.

Residential rental property means any building, or one or more portions thereof (assigned a unique property identification number), occupied or intended to be occupied for residential purposes by a residential tenant.

Residential rental property owner means any person or entity owning residential rental property within the City of Montrose.

Residential tenant means a person who does not own, but occupies a dwelling for residential purposes, for payment of a fee or other compensation to the owner, under a lease or contract, written or verbal.

Applicability; scope.

(A) This article applies to any dwelling, and any dwelling unit therein, that is a residential rental property as defined herein, including garages, storage buildings and appurtenances. This article does not apply to Minnesota Department of Health-licensed rest homes, convalescent care facilities, group homes and nursing homes; hotels, motels; or owner-occupied units.

Rental manager required.

(A) Each residential rental property owner shall appoint a rental manager upon whom the city may lawfully serve notices pertaining to the administration of this or any other article or chapter of the city code or state or federal law, service of which shall be as effective as if made upon such residential rental property owner.

(B) The residential rental property owner may serve as the rental manager, provided all requirements of a rental manager, prescribed within this article, have been met by the residential rental property owner.

Registration.

(A) All residential rental properties shall be registered with the city. The residential rental property owner or rental manager is responsible for completing this registration. Registration of each residential rental property shall be made on a separate form provided by the city, and shall include the following information:

- (1) The name, address and telephone number of the residential rental property owner and rental manager(s);
- (2) The name, address and telephone number of the rental manager or residential rental property owner completing the registration form;
- (3) The address of the residential rental property. In the case of an apartment building, the applicant shall provide the address and name for the building, as well as, the number of dwelling units contained therein;
- (4) Acknowledgement of the City's property maintenance requirements and agreement to maintain the residential rental property in compliance with all applicable standards;
- (5) Waiver agreeing to allow the City to inspect the residential rental property should the City determine that a violation of the property maintenance requirements exists on the property;

- (6) Whether or not the residential rental property owner or rental manager conducts a criminal background check on each and every rental tenant;
- (7) Whether a written lease exists for the residential rental property and each unit dwelling thereon; and
- (8) Whether a written lease addendum commonly known as a “Drug Free/Crime Free Lease Addendum” exists for each and every written lease.

(B) Upon completion of the registration form, the city shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable and state the following: date of issuance; address of the residential rental property; name, if an apartment building, of the residential rental property owner; name(s) of the rental manager(s); and number of dwelling units located within the residential rental property. In the event of a transfer of ownership, change in rental manager, change in the number of rental units, or change in dwelling occupancy from owner occupancy to rental tenant occupancy, the residential rental property owner or rental manager shall complete and submit a new registration form for each and every affected residential rental property within 30 days. The rental manager or residential rental property owner shall maintain and have readily available a current list of the tenants in each multiple residential building owned and/or managed by them.

(C) A residential rental property owner owning residential rental property at the time of the adoption of this article shall have 180 days from its effective date to voluntarily comply with the registration provision contained herein.

SECTION 2. This ordinance shall take effect and be in force immediately after its passage and publication in accordance with applicable law.

Dated the 10 day of July, 2017.

Michelle Otto, Mayor

ATTEST:

Margaret McCallum, City Clerk - Treasurer