

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 4-10-17  
Item No.: 7.c

Department Approval



Kari Collins  
Community Development Director

City Manager Approval



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Item Description: Consider Community Development Department Request for Approval of Proposed Text Ordinance Amendments of the Roseville City Code, Chapter 907, Registration of Residential Rental Property of 1 to 4 Units.

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1 **BACKGROUND**

2 Roseville's Registration of Residential Rental Property of 1 to 4 Units Ordinance (Chapter 907)  
3 was approved by City Council on March 17, 2008.

4  
5 **PURPOSE OF THE PROGRAM**

6 The City recognizes a need for an organized registration program of residential rental property  
7 with 1 to 4 units within the City. The City recognizes that the most efficient system to provide  
8 information on the rental status of certain residential properties is through the continued  
9 implementation of a program requiring the registration of residential rental property with 1 to 4  
10 units within the City.

11 **PROPOSED ORDINANCE TEXT AMENDMENTS**

12 In reviewing Chapter 907, staff has proposed minor text amendments to allow for the continued  
13 implementation of the program in an efficient manner. The majority of the proposed amendments  
14 are minor format and wording changes that do not involve process changes. The definitions  
15 section was expanded to include the definition of local agent and owner (Attachment A lines 58-  
16 95). In 907.04 (Attachment A lines 126-138), a notable change is to the expiration date.  
17 Currently, the annual registration expires on June 30, staff is requesting an annual expiration of  
18 December 31. This change is intended to provide a more efficient system of renewal for the  
19 property owner and staff.

20 **POLICY OBJECTIVE**

21 Staff periodically updates City Code and Zoning Ordinance language to increase efficiency to  
22 staff, property owners and residents.

23 **FINANCIAL IMPACTS**

24 There are no financial impacts to the City of Roseville, as a result of the proposed text  
25 amendments.

26  
27 **STAFF RECOMMENDATION**

28 Based on the comments provided in this report, staff recommends approval of the proposed text  
29 amendments to Roseville City Code, Chapter 907.

30

31 **REQUESTED COUNCIL ACTION**

32 Adopt an Ordinance amending selected text of Roseville City Code, Chapter 907.

33

34 Prepared by: Dave Englund, Codes Coordinator

35

36 Attachments: A: Proposed Chapter 907 Ordinance Amendments

37 B: Ordinance Summary

City of Roseville

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE, TITLE 9, CHAPTER 907, TO REGISTRATION OF RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS**

**THE CITY OF ROSEVILLE ORDAINS:**

**SECTION 1. Purpose:** The Roseville City Code is hereby amended to modify/clarify specific requirements within the Roseville City Code, Title 9, Chapter 907, Registration of Residential Rental Property of 1 to 4 Units.

**SECTION 2. Sections 907.01, 907.02, 907.03, 907.04, 907.05, 907.06, 907.07, 907.08, 907.09, 907.10 and 908.11 is hereby amended as follows:**

**REGISTRATION OF RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS**

**SECTION:**

- 907.01: Purpose
- 907.02: Definitions
- 907.03: Registration Requirements
- 907.04: Expiration of Registration
- 907.05: Fees
- 907.06: Manner of Registration.
- 907.07: Notice to Tenant, Requirement to Post
- 907.08: Registration Fee and Posting Exemptions
- 907.09: Registration Suspensions and Revocation
- 907.10: Violation
- 907.11: Appeals
- 907.12: Maintenance of Records
- 907.13: Authority
- 907.14: Applicable Laws
- 907.15: Rules, Policies and Procedures
- 907.16: No Warranty by the City
- 907.17: Severability

**907.01: PURPOSE:**

41  
42 The City recognizes a need for an organized registration program of residential rental property  
43 with 1 to 4 units within the City in order to:

- 44 A. 1. Gather accurate contact information for property owners of residential rental  
45 properties; ; and  
46 B. 2. Provide educational materials to property owners and occupants of residential rental  
47 properties; ; and  
48 C. 3. Identify and quantify these units in the City; and  
49 D. 4. Provide information and a method to enforce minimum standards to meet City and  
50 State safety, health, fire, property maintenance and zoning codes within the City; ; and  
51 E. 5. Provide a more efficient system to ensure that the stock of residential rental property  
52 within the City is properly maintained.

53  
54 The City recognizes that the most efficient system to provide information on the rental status of  
55 certain residential properties is through the creation of a program requiring the registration of  
56 residential rental property with 1 to 4 units within the City.

## 57 **907.02: DEFINITIONS:**

58 As used in this chapter, the following words and terms shall have the meanings ascribed to them  
59 in this section:

- 60 A. City: The term “City” means the City of Roseville, or the person or entity designated by  
61 the City to administer and enforce this Chapter.
- 62 B. Family: For the definition of the term “Family” see Roseville City Code Section 1001.10.  
63 shall mean one of the following: (City Code Section 1001.10)
- 64 1. (a) Any group of people living together as a single housekeeping unit, all of whom  
65 are related by blood, marriage, or adoption plus children who are under foster  
66 care; or
  - 67 2. (b) up to four people not so related, living together as a single housekeeping  
68 unit; or
  - 69 3. (c) any group of people living together as a single housekeeping unit, if no more  
70 than two adult members function as the heads of the household group and the  
71 remaining members are dependent upon them for care and direction due to age,  
72 physical disability, a mental incompetency, or for other reasons; or
  - 73 4. (d) any individual, who is the owner, living and maintaining a common household  
74 and using a common cooking and kitchen facility.
- 75 C. Local Agent: Owner’s representative who resides in any of the following Minnesota  
76 counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington, and is  
77 authorized by the owner to make or order repairs or services for the property if in  
78 violation of City or State Codes.
- 79 D. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the  
80 property. In any corporation or partnership, the term owner includes general partners and  
81 corporate officers.
- 82 E. Person: The term “person” includes natural persons as well as business entities, whether  
83 one or more.
- 84 F. Rent: The term “rent” includes money or services in exchange for occupation of the unit.

85 G. Residential rental property: ~~The term “residential rental property” means~~ any building,  
 86 structure, room, enclosure, or mobile home with 1 to 4 units including the real property  
 87 upon which it is located and which surrounds it, which is rented or offered for rent as  
 88 living quarters. Residential rental property does not mean on-campus college housing,  
 89 hospital units, nursing home units, multiple rental property over 4 units or hotels or  
 90 motels with daily rental units, all of which shall be specifically exempt from registration  
 91 under this Chapter.

92 H. Unit: ~~The term “unit” means~~ all or a portion of a residential rental property that is  
 93 arranged, designed, used, or intended to be used as separate living quarters and which is  
 94 leased to an individual or group.  
 95

### 96 **907.03: REGISTRATION REQUIREMENTS:**

97  
 98 A. Except as provided in Sections 907.06(1) and 907.08, it ~~is~~ shall be unlawful for any  
 99 person to hereafter occupy, allow to be occupied, or let to another person for occupancy  
 100 any residential rental property of 1 to 4 units within the City for which an application for  
 101 registration has not been properly made and filed with the City or after the time that a  
 102 registration is suspended or revoked. ~~Initial r~~Registration shall be made upon forms  
 103 furnished by the City for such purpose and shall specifically require the following  
 104 minimum information:

- 105 1. Name, street address and phone number of the property owner and, if the owner  
 106 is ~~not a natural person a business entity~~, the name, street address and phone  
 107 number of a designated local agent for the owner. In cases where the owner of the  
 108 dwelling lives outside of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or  
 109 Washington counties, the owner must also provide the name, street address, and  
 110 phone number of ~~a~~ local agent authorized by the owner to make or order repairs  
 111 or services for the property if in violation of City or State Codes. The designated  
 112 local agent must live or work in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott  
 113 or Washington Counties.
- 114 2. The name, street address, and phone number, of any person authorized to make or  
 115 order repairs or services for the property, if in violation of City or State Codes, if  
 116 the person is different than the owner or local agent.
- 117 3. The street address of the rental property.
- 118 4. The type of units within the rental property (single family, twinhome, townhome,  
 119 condo, duplex, triplex or fourplex).
- 120 5. The number of bedrooms and bathrooms in the unit.
- 121 6. Certification and attestation that ~~T~~the maximum occupancy per unit is either 4 or  
 122 less unrelated adults or one family ~~per~~ pursuant to Roseville City Codes 906.06 and  
 123 1001.10.  
 124

### 125 **907.04: EXPIRATION OF REGISTRATION:**

126  
 127 A. Term: ~~±~~ All registrations shall expire ~~at midnight~~ on ~~June 30~~ December 31 each year.  
 128 All required renewal registration application materials ~~for the next year~~ shall  
 129 be ~~received~~ submitted before prior to the expiration date.

- 130 ~~2. Any renewal registrations received between July 1 and September 30 will be~~  
 131 ~~considered~~  
 132 ~~late, but will not receive any fee penalties (fee grace period).~~  
 133 B. Late fee: ~~3.~~ Any renewal registrations ~~received~~ submitted after ~~September 30~~ January 31  
 134 will be considered late and subject to fee penalties ~~(fee penalty period).~~  
 135 C. Violation: ~~4.~~ Any registration not renewed by ~~October 31~~ February 28 will be considered  
 136 in violation of this ordination ~~(violation period).~~ Renters will not be allowed to occupy a  
 137 property if the renewal registration is not received by ~~October 31~~ February 28.  
 138

139 **907.05: FEES:**

- 140  
 141 ~~A. There shall be a registration fee to recoup the costs of administering the program. All fees~~  
 142 ~~shall be established annually by the City Council. There shall be a registration fee and~~  
 143 ~~late renewal fee as established by the City Fee Schedule in Section 314.05. All fees and~~  
 144 ~~finances shall be charged to and payable by the property owner.~~  
 145 ~~2. The fee for registration renewed during the fee penalty period shall be twice the normal~~  
 146 ~~registration fee.~~  
 147 B. 3. Residential Rental Properties in violation of this ordinance may be subject to  
 148 administrative fines. The fee for registrations renewed during the violation period shall be  
 149 twice the normal registration fee in addition to any other fees or penalties per Section  
 150 907.10 or other applicable sections of City Code.  
 151

152 **907.06: MANNER OF REGISTRATION:**

- 153  
 154 A. 1. An owner who has an existing rental property as defined by this Chapter that is not  
 155 already registered must apply for registration pursuant to this Chapter no later than 60  
 156 days following the effective date of this Chapter.  
 157 B. 2. An owner of a ~~non-rental~~ property that after the effective date of this Chapter wishes to  
 158 convert the property into a rental property, shall apply for and register the property prior  
 159 to its conversion.  
 160 C. 3. If there is a change in the type of occupancy from the type stated on the registration  
 161 form, a new registration form shall be filed within 30 days of the change.  
 162 D. 4. When a previously registered property is sold, the new owner shall register within 30  
 163 days of the sale, if the property continues to be a residential rental property.  
 164

165 **907.07 NOTICE TO TENANT, REQUIREMENT TO POST:**

- 166  
 167 A. The owner or its agent must post, in accordance with the instructions provided by the  
 168 City, in each rental unit a current copy of the Registration Certificate provided by the  
 169 City upon registration. This certificate shall specifically include the following minimum  
 170 information:  
 171 1. The street address of the registered property; and  
 172 2. The name, street address, and telephone number of either the owner or the  
 173 3. The expiration date of the registration; and

- 174 4. Information about how to access the *Landlord and Tenants Rights and*  
 175 *Responsibilities Handbook* provided by the Minnesota Attorney General.  
 176

177 **907.08 ~~REGISTRATION FEE AND POSTING~~ EXEMPTIONS:**  
 178

- 179 A. All owners of residential rental properties are required to register their properties according  
 180 to Section 907.06, however, the following property owners are exempt from the registration  
 181 fee and the requirement to post a registration certificate- :
- 182 1. Owners of residential rental properties where all renters residing in the rental  
 183 property are related to the owner as a parent, child, sibling, grandparent,  
 184 grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the  
 185 owner or agent affirms in the registration that each of the renters is one of these  
 186 relations.
  - 187 2. Owners of residential rental property licensed by the State of Minnesota as a  
 188 group home and used as such. The owner or agent must provide the current  
 189 license number on the registration form.
- 190 B. In all cases, an owner must notify the City in writing within 30 days if an exemption, as  
 191 described in this Chapter, is no longer applicable. (Ord. 1426, 6-18-2012)  
 192

193 **907.09: REGISTRATION SUSPENSIONS AND REVOCATION:**  
 194

- 195 A. A rental registration may be revoked or suspended at any time under this provision of this  
 196 chapter by the Community Development Director for grounds including, but not limited  
 197 to, the following:
- 198 1. False or misleading information given or provided in connection with a  
 199 registration application.
  - 200 2. Failure to maintain the residential rental property in a manner that meets  
 201 pertinent provisions of City Code including, but not limited to, Code  
 202 Chapters 407 and 906.
  - 203 3. Violations committed or permitted by the owner or the owner's agent, or  
 204 committed or permitted by the tenant or the tenant's guests or agents, of any  
 205 rules, codes, statutes and ordinances relating to, pertaining to, or governing  
 206 the premises including, but not limited to, the following:
    - 207 a. ~~A.~~ Minn. Stat. 609.75 through 609.76, which prohibit gambling;
    - 208 b. ~~B.~~ Minn. Stat. 609.321 through 609.324, which prohibit prostitution and  
 209 acts relating thereto;
    - 210 c. ~~C.~~ Minn. Stat. 152.01 through 152.025 and 152.027, subds. 1 and 2,  
 211 which prohibit the unlawful sale or possession of controlled substances;
    - 212 d. ~~D.~~ Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic  
 213 beverages;
    - 214 e. ~~E.~~ Minn. Stat. 609.33, which prohibits owning, leasing, operating,  
 215 managing, maintaining, or conducting a disorderly house, or inviting or  
 216 attempting to invite others to visit or remain in a disorderly house;
    - 217 f. ~~F.~~ Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712  
 218 through 624.716 and Chapter 103 of the City Code, which prohibit the  
 219 unlawful possession, transportation, sale or use of weapon;

- 220 g. ~~G.~~ Minn. Stat. 609.72, which prohibits disorderly conduct;  
 221 h. ~~H.~~ Roseville City Code Section 407, prohibiting public nuisances,  
 222 Section 405, noise control, Section 906, property maintenance, Sections  
 223 1004 and 1005, land use and Section 1018, parking; and  
 224 i. ~~I.~~ Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224,  
 225 regarding assaults in the first, second, third, fourth and fifth degree.  
 226 **B.** A suspended or revoked rental registration may be reinstated when the circumstances  
 227 leading to the suspension or revocation have been remedied.  
 228

### 229 907.10: VIOLATION:

- 230  
 231 **A. Misdemeanor:** Except as provided in Sections 907.06(1) and 907.08, any person who  
 232 maintains a residential rental property without having the property registered, or after the  
 233 registration for the property has been revoked or suspended, or who permits new  
 234 occupancy in violation of Section 907 is guilty of a misdemeanor and, upon conviction, is  
 235 subject to a fine and imprisonment as prescribed by state law. Each day of each violation  
 236 constitutes a separate offense.  
 237 **B. Administrative fee:** In addition to, or in lieu of, charging a misdemeanor, the City may  
 238 impose administrative fees in an amount set in the City Fee Schedule. Each day of each  
 239 violation constitutes a separate offense.  
 240 1. Upon the failure to pay an administrative fee, the City may post the dwelling unit  
 241 as illegal for habitation.  
 242 **C. Prohibited occupancy: Pursuant to 907.10.B.1 Thereafter,** the dwelling unit may not be  
 243 occupied by anyone other than the primary homestead owner and that person's immediate  
 244 family until:  
 245 1. ~~(a) T~~he administrative fee has been paid; and  
 246 2. ~~(b) A~~a rental registration is obtained or the City is satisfied that the dwelling unit  
 247 will not be used as a rental dwelling unit; and  
 248 3. ~~(c) C~~ompletion of any abatement, written compliance order, legal action from a  
 249 citation or action per City Code Sections 407.06, 407.07 and 407.08. ~~Each day of~~  
 250 ~~each violation constitutes a separate offense.~~  
 251

### 252 907.11: APPEALS:

- 253  
 254 **A.** An Appeal pertaining to any violation, suspension, or revocation decision addressed in  
 255 this Chapter may be filed by a residential rental property owner.  
 256 1. The appeal shall be submitted to the City Manager within ten (10) calendar days  
 257 after the making of the order or decision being appealed.  
 258 2. The appeal shall state the specific grounds upon which the appeal is made.  
 259 3. The appeal shall be accompanied by the fee set forth in Chapter 314.  
 260 **B.** When an appeal is filed, a public meeting regarding the matter shall be held before the  
 261 City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held  
 262 within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments  
 263 and Appeals may consider any of the evidence that had previously been considered as  
 264 part of the formal action that is the subject of the appeal. New or additional information



265 from the appealing applicant(s) may be considered by the Board of Adjustments and  
266 Appeals at its sole discretion if that information serves to clarify information previously  
267 considered by the Community Development Director.  
268

269 **907.12: MAINTENANCE OF RECORDS:**

270  
271 All records, files and documents pertaining to the Rental Registration Program shall be  
272 maintained in the office of the City and made available to the public as allowed or required  
273 by applicable laws, rules, codes, statutes or ordinances.  
274

275 **907.13: AUTHORITY:**

276  
277 Nothing in this Chapter shall prevent the City from taking action under any applicable rule,  
278 standard, statute or ordinance for violations thereof and to seek either injunctive relief or  
279 criminal prosecution for such violations as therein provided. Nothing contained in this  
280 Chapter shall prevent the City from seeking injunctive relief against a property owner or  
281 designated agent who fails to comply with the terms and conditions of this Chapter on  
282 registration including an order prohibiting the occupancy of such rental units until violations  
283 of this Chapter have been remedied by the property owner or designated agent.  
284

285 **907.14: APPLICABLE LAWS:**

286  
287 Residential Rental Property shall be subject to all applicable rules, standards, statutes and  
288 ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and  
289 this Chapter shall not be construed or interpreted to supersede any other such applicable  
290 rules, standards, statutes or ordinances.  
291

292 **907.15: RULES, POLICIES, PROCEDURES:**

293  
294 The City Council may adopt from time to time, by resolution, rules, policies and procedures  
295 for the implementation of this Chapter. Violation of any such rule, policy or procedure by a  
296 property owner shall be considered a violation of this Ordinance.  
297

298 **907.16: NO WARRANTY BY THE CITY:**

299  
300 By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the  
301 City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or  
302 suitability of any dwelling in the City. Owners or occupants should take whatever steps they  
303 deem appropriate to protect their interests, health, safety and welfare. A warning in  
304 substantially the foregoing language shall be printed on the face of the rental registration.  
305

306 **907.17: SEVERABILITY:**

307

**ATTACHMENT A**

308 If any provision of this Chapter or amendment thereto, or the application thereof to any  
309 person, entity or circumstance, is held invalid or unconstitutional by a court of competent  
310 jurisdiction, the remainder of this Chapter shall remain in full force and effect and the  
311 application thereof to other persons, entities or circumstances shall not be affected thereby.  
312 (Ord. 1361, 3-17-2008) (1495, 2/22/2016)

313 **SECTION 3. Effective Date.** This ordinance amendment to the Roseville City Code  
314 shall take effect upon passage and publication.

315 Passed this 10th day of April 2017.

316

317

BY:

318

319

\_\_\_\_\_  
Daniel J. Roe, Mayor

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322 ATTEST:

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\_\_\_\_\_  
Patrick Trudgeon, City Manager

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City of Roseville

ORDINANCE SUMMARY NO. \_\_\_\_

AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE,  
TITLE 9, CHAPTER 907, TO REGISTRATION OF RESIDENTIAL RENTAL  
PROPERTY OF 1 TO 4 UNITS

The following is the official summary of Ordinance No. \_\_\_\_ approved by the City Council of  
Roseville on April 10, 2017:

The Roseville City Code is hereby amended to modify/clarify specific requirements within  
Roseville City Code, Title 9, Chapter 907, Registration of Residential Rental Property of 1 to 4  
Units.

A printed copy of the ordinance is available for inspection by any person during regular office  
hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive,  
Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the  
Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue  
North, and on the Internet web page of the City of Roseville ([www.ci.roseville.mn.us](http://www.ci.roseville.mn.us)).

BY:

\_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:

\_\_\_\_\_  
Patrick Trudgeon, City Manager