

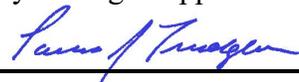
**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: October 18, 2021  
Item No.: 7.b

Department Approval



City Manager Approval



Item Description: Multi-Family Licensing Discussion

**BACKGROUND**

The Fire Department presented to the Council earlier this year to provide an update on the reinstatement of rental licenses at the Brittany/Marion Apartments and G&G. In addition, the Fire Department discussed some operational items related to multi-family licensing. Those items were:

- A possible ordinance change/update to allow Council to require a third party property manager in instances of revocation.
- Review fee options.
- Evaluate workload and demand of fire prevention and multi-family licensing with current call volume and emergency demands.

The Fire Department met with managers and owners of multi-family buildings within the last two weeks to review procedures and answer any questions or concerns in regards to an ordinance change and fee status. The Fire Department will be discussing updates with Council and the potential of updating the 908 ordinance to allow Council to require the hiring of a third-party management company if warranted in a revocation situation.

**FINANCIAL IMPACTS**

There are no direct financial impacts to the City at this time.

**STAFF RECOMMENDATION**

Staff recommends to review and discuss current updates and status of the multi-family licensing program as well as approve an ordinance change to 908.07 G4. in regards to requirements of the building owner to hire a third-party approved property manager in appropriate revocation situation.

**REQUESTED COUNCIL ACTION**

Review and discuss current status of multi-family licensing program and adopt an update to the 908 Multi-Family Licensing Ordinance after the 10-day required timeframe.

Prepared by: David Brosnahan, Fire Chief (651)792-7333

Attachments: A: PowerPoint Presentation  
B: 908 Ordinance with Suggested Change

# Multi-Family Licensing Program Review

Fire Department

October 18, 2021



# Ordinance 908 Discussion

## Multi-Family Licensing

### Agenda

- Haddington Road Update
- Plan of Action Update
- Owner/Manager Meeting
- Ordinance Change Proposal
- Fee Schedule Discussion

# Ordinance 908 Discussion

Multi-Family Licensing

## Haddington Road Revocation Quick Update

# Ordinance 908 Discussion

## Multi-Family Licensing

### Proposed updates to 908

#### Plan of Action:

1. ~~Meet with Council in regards to updates to ordinance and fee schedule.~~
2. ~~Meet with property managers and owners in September.~~
3. ~~Come back to Council in October or November with an update after our ordinance and fee schedule discussions with owners and managers.~~

# Ordinance 908 Discussion

## Multi-Family Licensing

### Owner/Manager Meeting

- Approximately 25 owners and managers in attendance (virtual meeting).
- Reviewed program status, pertinent updates, proposed ordinance change, and fees.
  - No concerns in regards to current or proposed fee changes.
  - No concerns in regards to the ordinance change proposed.

# Ordinance 908 Discussion

## Multi-Family Licensing

Proposed updates to 908

908.07

### G. 4. Written Decision, Compliance

*“The City Council may, in its sole discretion, include in its written decision any necessary conditions a licensee must satisfy prior to reinstatement or reissue of a license. Such conditions may include, but are not limited to, requiring a licensee to retain at its own expense a City-approved professional property maintenance and/or management contractor.”*

# Ordinance 908 Discussion

Multi-Family Licensing

## Fee Schedule Proposal

### Current Licensing Fees (2021)

\$102/building

\$15/unit

Remain Consistent in 2022

### Proposed Charges for 2023

\$150/building

\$20/unit

## Area Comparisons

# Ordinance 908 Discussion

## Multi-Family Licensing

City	Building Cost	Unit Cost	Other Notes	10 Unit Building		25 Unit Building
Brooklyn Park	\$200	\$25		\$450		\$825
Cottage Grove	\$100	\$10		\$200		\$350
Fridley	\$270	\$12	\$270 for all rentals up to 4, \$12 additional after	\$342		\$522
Maplewood	\$150	\$50		\$650		\$1,400
New Brighton		\$21	Crime Free Commitment is \$10 per unit	\$210		\$525
Oakdale	\$320	\$15		\$470		\$695
Shoreview	\$100	\$10		\$200		\$350
St. Anthony Village	\$150	\$10	\$150 building fee is for units up to 3, then \$10 per unit after	\$220		\$370
St. Louis Park	\$250	\$18		\$430		\$700
Vadnais Heights		\$30	\$38/unit reinspection fee	\$300		\$750
West St. Paul	\$150	\$20	\$50 Reinspect/Base Fee is \$150	\$350		\$650
Average	\$188	\$20		\$347		\$649
Roseville	\$150	\$20		\$350		\$650

# Ordinance 908 Discussion

## Multi-Family Licensing

### Deficiencies Within Our Licensing Program

- Total Number of Properties and Units
  - Significant increases coming online and being proposed
- Problem Properties
- Staffing and Response Strain
  - Call Volume + Prevention Duties/Requirements
  - Experiencing difficulties meeting the needs of builders, contractors, and property owners/managers.

Q

&

A

Fire Department

**CHAPTER 908**  
**RENTAL LICENSING FOR MULTIFAMILY RENTAL**  
**PROPERTIES OF 5 OR MORE UNITS**

SECTION:

- 908.01 : Purpose
- 908.02 : Definitions
- 908.03 : Licensing Requirements
- 908.04 : Licensing Term
- 908.05 : Fees
- 908.06 : Local Agent Required
- 908.07 : Licensing Suspensions, Revocation, Denial, and Non-Renewal
- 908.08: Appeals
- 908.09: Maintenance of Records
- 908.10: Authority
- 908.11: Rules, Policies, and Procedures
- 908.12: No Warranty by the City
- 908.13: Severability

**908.01 : PURPOSE**

It is the purpose of this Chapter to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. The operation of an MRD is a business enterprise that entails responsibilities. Operators are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

**908.02 : DEFINITIONS**

For the purpose of this Chapter, the following terms shall be defined as set forth below.

- A. City: Shall mean the City of Roseville.
- B. City Council: Shall mean the City Council of the City of Roseville.
- C. City-Approved Inspector's Report or Inspection Report: Shall mean a rental dwelling inspection report prepared and signed by a City Fire Marshal, Fire Inspector or inspector contracted by the City to conduct an inspection and provide a report to the City.
- D. Denial: The refusal to grant a license to a new or renewing applicant by the City.

- E. Dwelling Unit: Any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
- F. Family: Defined in City Code Section 1001.10.
- G. Fire Chief: The Chief of the Roseville Fire Department or his/her duly authorized representative(s).
- H. Fire Inspector(s): City of Roseville Fire Inspector as designated by the Fire Chief and/ or his/her duly authorized representative(s).
- I. Fire Marshal(s): City of Roseville Fire Marshal as designated by the Fire Chief and/ or his/her duly authorized representative(s).
- J. Follow-up Inspection: A follow-up inspection that is: a) conducted to determine if a code violation has been corrected; or b) needed because a licensee, owner or other responsible party fails to attend a scheduled inspection; or c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.
- K. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.
- L. License: The formal approval of an activity specified on the certificate of license issued by the City.
- M. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
- N. Memorandum of Understanding: A document outlining the terms and details of an agreement between parties, including each party's requirements and responsibilities.
- O. Manager: An individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. Manager does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.
- P. Multifamily Rental Dwelling (MRD): Any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health-licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.
- Q. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.
- R. Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building per City Code.
- S. Person: Includes natural persons as well as business entities, whether one or more.
- T. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.
- U. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
- V. Revoke: To take back a license issued by the City.
- W. Safety: The condition of being reasonably free from danger and hazards that may cause accidents or disease.
- X. Suspend: To make a license temporarily inoperative.
- Y. Tenant: Any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the MRD.

## 908.03 : LICENSING REQUIREMENTS

General Rule: No person shall operate, let, or cause to be let an MRD that has not been properly licensed by the City of Roseville in the manner required by this Ordinance. A license must be obtained for each MRD. Upon receipt of a properly executed initial or renewal application for a rental license, the Roseville Fire Department shall cause an inspection to be made of the MRD to determine compliance with all applicable codes, standards and ordinances. The standards for compliance shall include the Minnesota State Fire Code, Chapter 906 (Building Maintenance and Preservation Code) City of Roseville Ordinances and other applicable Codes or other nationally recognized standards and the laws of the State of Minnesota, as adopted by the City Council. A minimum of one-third (1/3) of all rental dwelling units shall be inspected to determine if they comply with all applicable codes and ordinances. Previously inspected units with noted violations shall have a follow-up inspection completed to verify corrections of noted violations have occurred.

- A. Licensing: A license will be granted on an annual (one year) basis. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire annually.
- B. Criminal Background Check: The licensee shall conduct criminal background checks on all prospective tenants. The owner shall acknowledge and comply with the Kari Koskinen Manager Background Check Act in Minnesota State Statutes 299C.66 to 299C.71. Proof of background checks shall be made available upon City request. The Criminal Background Check must include the following:
  1. A statewide (Minnesota) criminal history check covering at least the last three years; the check must be done utilizing the most recent update of the state criminal history files.
  2. A criminal history check in their previous states of residence, unless not allowed, covering at least the last three years if they have not resided in Minnesota for three years or longer.
  3. A criminal history check shall be conducted in accordance with the standards of the Federal Fair Housing Act.
- C. Disorderly Behavior Lease Provisions: All tenant leases shall contain crime-free, drug-free provisions as on file with the City or equivalent that prohibit disorderly behavior identified in City Code Section 511.02. These lease provisions shall be incorporated into every new or renewing lease for a tenancy and shall comply with Minnesota Statutes Section 504B.205. (Ord. 1546, 4-9-2018)
- D. Occupancy Register: Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit. Such register shall be made available for review by the City upon request. The Occupancy Register must contain the following information:
  1. Dwelling unit address.
  2. Number of bedrooms in dwelling unit and size of each bedroom, including the maximum number of occupants allowed.
  3. Legal names and dates of birth of adult occupants.
  4. Number of adults and children (under 18 years of age) currently occupying each dwelling unit.
  5. Dates renters occupied and vacated dwelling units
  6. A list of complaints and requests for repair by dwelling unit occupants that relate to the provisions of this Code of Ordinances.

7. A similar list of all corrections made in response to such requests and complaints.
- E. Application Submittal: A license application shall be submitted to the Fire Department on forms furnished by the City of Roseville and must contain the following information:
1. Name, address, telephone number, and e-mail address of the owner of the MRD. This is the address that all future correspondence from the City will be sent to. The owner shall indicate if the business entity is a corporation, partnership, sole proprietorship, or other.
  2. Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD, if applicable.
  3. Street address (es) and unit numbers for the MRD.
  4. Number of dwelling units including: unit size, bedroom size (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
  5. Owner shall certify compliance with the requirements found in 908.03B for conducting background checks.
  6. Owner shall certify compliance with the requirement in 908.03C to include disorderly behavior lease provisions.
  7. Owner shall certify compliance with the requirement of 908.03D occupancy register.
- F. Changes in Ownership: A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must submit an application for a new license within thirty (30) calendar days of acquiring the property. The applicant shall be responsible for compliance with all sections listed herein under City Code Chapter 908.
- G. Amended Licenses: If changes occur to any information required on the application for a current license, the owner must submit an amended license application to the City with thirty (30) calendar days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.
- H. Complaint-Based Inspection: The City may, upon receipt of a creditable third party complaint or a complaint by residents with reasonable concerns, require an inspection. A complaint-based inspection may require additional units to be inspected. As a result of the additional inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.
- I. Additional Requirements: The City may require additional educational training or participation in programs related to the license.
- J. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

#### **908.04 : LICENSING TERM**

Licenses will be issued for a period of one year. All licenses will be reviewed and renewed each year by the property owner or other authorized representative.

- A. New Licenses: MRDs that have legally not been required to have a rental license due to new construction must submit a rental license application to the City within thirty (30) calendar days from the issuance of a Conditional or Permanent Certificate

of Occupancy. The applicant shall be responsible for compliance to all sections listed herein under City Code Chapter 908.

- B. Operating without Valid License: Properties found operating without a valid rental license from the City, properties failing to meet City Code requirements, or properties that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this chapter, may be subjected to other enforcement measures as allowed under City Code.
- C. License Renewals: All licensed rental properties shall be required to submit a renewal application.
- D. Chronic Code Violations: For properties having chronic code violations that are not being resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.
- E. Property Code and Nuisance Violations: Standards for property maintenance will be based on compliance with City and other applicable Codes or other nationally recognized standards, as adopted by the City Council.
- F. License Process and Renewal:
  - 1. All owners or owner's representatives of MRDs in the City must submit a full application to the Fire Department.
  - 2. The Fire Department will notify the applicant of the inspection date, approximately thirty (30) calendar days prior to inspection.
  - 3. After the inspection has been completed a notice of licensing approval/denial and inspection report will be sent to the applicant.
  - 4. The licensing fee will be due and payable by the license renewal date.
  - 5. After staff verifies all documentation, fees and all other requirements have been satisfied, a license may be issued for each MRD. (Ord. 1547, 4-9-2018)
  - 6. A renewal application packet will be sent to the owner of each licensed MRD. License renewal applications shall be submitted to the Fire Department by the owner/agent between 90 and 120 days prior to the license expiration date.
- G. Issuance of License: The City shall issue a license once the City deems the property to not have any unsafe, unsanitary, or dilapidated conditions as defined in Section 906.03H or elsewhere in Roseville's City Code), or a Memorandum of Understanding (MOU) has been signed and submitted, and, all City fees and fines have been paid. Every Owner of an MRD shall conspicuously post the current license within fourteen (14) calendar days of receipt in the main entryway or other conspicuous location within the MRD. For MRDs that do not have a shared common area or entrance, the Owner must provide a copy of the license to each tenant by attaching a copy to the tenant's copy of the executed lease agreement. Notwithstanding Section 301.02 of City Code, the Fire Chief or his/her designee is authorized to issue a license under this Chapter upon satisfaction, in the Fire Chief's or his/her designee's sole discretion, of all requirements contained herein. (Ord. 1547, 4-9-2018)

### **908.05 : FEES**

There shall be a licensing fee as established by the City Fee Schedule in Section 314.05. All fees and fines shall be charged to and payable by the property owner.

### **908.06 : LOCAL AGENT REQUIRED**

Local Agent: No operating license shall be issued or renewed for a nonresident owner of an MRD (one who does not reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the Fire Chief and/or his/her designee, the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive notice of violations of the provisions of the City Code of Ordinances, to receive and to effect such orders, and to accept all service or process pursuant to law.

## **908.07 : LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL**

- A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension, revocation or nonrenewal by the City Council.
- B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.
- C. Grounds for License Action: The City Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:
  - 1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
  - 2. Failure to pay any application fee, fine, penalty, re-inspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
  - 3. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in an Inspection Report or other compliance notices within the time specified.
  - 4. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses noted deficiencies and violations of any property maintenance, zoning, health, building, nuisance, or other City Codes.
  - 5. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
  - 6. Failure to actively pursue the termination of the tenancy of tenants who have violated the provision of this Chapter or Lease Addendum on file with the City or have otherwise created a public nuisance in violation of City, state, or applicable laws.
  - 7. Failure to eliminate imminent health and life safety hazards as determined by the City or its authorized representatives.
  - 8. Failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and ordinances.
- D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either this Section or any other Section of Chapter 908.
- E. Notification, Hearing and Decisions Basis:

1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds, and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
  2. Decision Basis: The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been remedied or avoided, and the good faith efforts to comply. The City Council shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings.
- F. Affected MRD: The City Council may suspend, revoke or not renew a license for part or all of an MRD.
- G. License Actions, Reapplication:
1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after the period of suspension be reinstated subject to compliance with this Chapter and any conditions imposed by the City Council at the time of suspension.
  2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the City Council's written decision, which shall not exceed one (1) year. The City Council shall specify in its written decision the date when an application for a new license will be accepted for processing. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an application for a new facility will not take the form of a suspension or revocation unless false statements have been made by the applicant in connection with the application. A decision to deny an application shall state conditions of reapplication.
  3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as specified by City Council resolution, in addition to all other fees required by this Chapter.
  4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. **The City Council may, in its sole discretion, include in its written decision any necessary conditions a licensee must satisfy prior to reinstatement or reissue of a license. Such conditions may include, but are not limited to, requiring a licensee to retain at its own expense a City-approved professional property maintenance and/or management contractor.** Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension, 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 Chapter during the term of revocation, suspension, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, or non-renewal specified in the City Council's written decision or in paragraph 6 of this Section.
  5. New License Prohibited: A property owner who has a rental license revoked may not receive a new rental license for another property within the City for a period of one (1) year from the date of revocation. The property owner may

continue to operate currently licensed MDRs if the properties are maintained in compliance with City Codes and other applicable regulations.

6. Council Action: The City Council may postpone or discontinue an action to deny, not renew, revoke, suspend a license, or fine a licensee or applicant, if the licensee or applicant has taken appropriate measures to correct the violation.

### **908.08 : APPEALS**

- A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an MRD property owner.
  1. The appeal shall be submitted to the Community Development Director within thirty (30) calendar days after the making of the order or decision being appealed.
  2. The appeal shall state the specific grounds upon which the appeal is made.
  3. The appeal shall be accompanied by the fee set forth in Chapter 314.
- B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within ninety (90) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Fire Chief and/or his/her designee.

### **908.09 : MAINTENANCE OF RECORDS**

All records, files, and documents pertaining to the Licensing of MRDs shall be maintained in the office of the City and made available to the public as allowed or required by laws, rules, codes, statutes, or ordinances.

### **908.10 : AUTHORITY**

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute, or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on licensing.

### **908.11 : RULES, POLICIES, AND PROCEDURES**

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

### **908.12 : NO WARRANTY BY THE CITY**

By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City Council, or its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability of any MRD in the City. Owners or occupants should take

whatever steps they deem appropriate to protect their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental license.

### **908.13 : SEVERABILITY**

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity, or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby. (ORD. 1502, 6-13-2016) (ORD. 1534, 10-23-2017)

1. Council Action: The City Council may postpone or discontinue an action to deny, not renew, revoke, suspend a license, or fine a licensee or applicant, if the licensee or applicant has taken appropriate measures to correct the violation.

### **908.10 : APPEALS**

- A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an MRD property owner.
  1. The appeal shall be submitted to the Community Development Director within thirty (30) calendar days after the making of the order or decision being appealed.
  2. The appeal shall state the specific grounds upon which the appeal is made.
  3. The appeal shall be accompanied by the fee set forth in Chapter 314.
- B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within ninety (90) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Fire Chief and/or his/her designee.

### **908.11 : MAINTENANCE OF RECORDS**

All records, files, and documents pertaining to the Licensing of MRDs shall be maintained in the office of the City and made available to the public as allowed or required by laws, rules, codes, statutes, or ordinances.

### **908.14 : AUTHORITY**

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute, or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on licensing.

### **908.15 : RULES, POLICIES, AND PROCEDURES**

By resolution the City Council may adopt, from time to time, rules, policies, and procedures for the implementation of this Chapter. Violation of any such rule,

policy, or procedure by a property owner shall be considered a violation of this Ordinance.

#### **908.16 : NO WARRANTY BY THE CITY**

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

#### **908.17 : SEVERABILITY**

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity, or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby. (ORD. 1502, 6-13-2016) (ORD. 1534, 10-23-2017)