

2005-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Zerby

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

That Section 244.2020 of the above-entitled ordinance be amended to read as follows:

244.2020. Conduct on licensed premises. (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of the community crime prevention/SAFE unit and other units of the Minneapolis Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.

- (1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
 - (2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
 - (3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
 - (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
 - (5) Section 389.65 of this Code, which prohibits noisy assemblies;
 - (6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
 - (7) Minnesota Statutes, Section 609.72, and Section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
- (b) The community crime prevention/SAFE unit and the inspections division shall be jointly responsible for enforcement and administration of Section 244.2020.

- (c) Upon determination by the community crime prevention/SAFE unit utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in subsection (a), the responsible SAFE team shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of the community crime prevention/SAFE unit and other units of the Minneapolis Police Department to prevent further violations.

The established procedures manual is available to the public from the community services bureau of the Minneapolis Police Department.

- (d) If another instance of disorderly use of the licensed premises occurs within ~~twelve~~ (12)eighteen (18) months of an incident for which a notice in subsection (c) was given, the responsible SAFE team shall notify the licensee by mail of the violation. The licensee shall submit a written management plan to the SAFE team within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The licensee shall also successfully complete a property owner's workshop at the direction of and in accordance with a schedule set forth by the SAFE team. Any costs associated with that workshop will be the sole responsibility of the licensee.
- (e) When required by paragraph (d), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed if the licensee fails to submit a written management plan that satisfies the requirements set forth in paragraph (d). An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in Section 244.1940, and shall proceed according to the procedures established in Sections 244.1950, 244.1960, and 244.1970.
- (f) If another instance of disorderly use of the licensed premises occurs within ~~twelve~~ (12)eighteen (18) months after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in Section 244.1940, and shall proceed according to the procedures established in Sections 244.1950, 244.1960, and 244.1970.
- (g) No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the SAFE team within ten (10) days of receipt of the violation notice. Further, an action to deny,

revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the director of inspections at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

- (h) A determination that the licensed premises have been used in a disorderly manner as described in subsection (a) shall be made upon substantial evidence to support such a determination. 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.
- (i) The public safety and regulatory services committee shall review Section 244.2020 three (3) years after the effective date of these revisions to determine its impact upon both landlords and tenants, and to recommend any changes which may be appropriate. The directors of regulatory services and the community services bureau shall keep records of all actions and proposed actions under Section 244.2020 to facilitate the committee review required herein.