

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Benson

Amending Title 11, Chapter 219, Article V of the Minneapolis Code of Ordinances relating to High-Risk Sexual Conduct.

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

Section 1. That Section 219.510 of the above-entitled ordinance be amended by adding thereto a new subdivision (7) to read as follows:

- (7) The words "Director of Operations and Regulatory Services" mean the City of Minneapolis Director of Operations and Regulatory Services.

Section 2. That Section 219.530 of the above-entitled ordinance be amended to read as follows:

219.530. Powers of the commissioner of health and the director of operations and regulatory services.

- (1) In exercising powers conferred by this or any other section of this Code relating to communicable diseases, the board of health and the commissioner of health or the director of operations and regulatory services shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services which relate to the spread of infectious diseases. Any regulations which are adopted by the board of health which relate to controlling the spread of infectious diseases shall also apply in exercising the powers authorized by this Code.
- (2) In order to ascertain the source of infection and reduce its spread, the commissioner of health, and persons under the commissioner's direction and control, or the director of operations and regulatory services, and persons under the director's direction and control, shall have full power and authority to inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, which may be a site of high-risk sexual conduct. If the commissioner of health or the director of operations and regulatory services determines that a hazardous site exists, the

commissioner of health or the director of operations and regulatory services shall declare it to be a public health hazard and public health nuisance and shall then:

- (a) Notify the management, owner or tenant of the premises that the commissioner or director has reasonable belief that the premises, building or structure is a hazardous site.
- (b) Issue warnings to the management, owner or tenant of the premises stating the reasons for the commissioner's or director's belief that the premises, building, or structure is a hazardous site.
- (c) Once such notice and warnings have been issued, the commissioner, or the commissioner's appointee or the director or the director's appointee shall proceed as follows:
 - (i) After the management, owner or tenant of the premises has been notified in writing as to the basis of the commissioner's or the director's determination, the management, owner or tenant shall have ten (10) days to request a hearing before the commissioner or the commissioner's appointee or the director or the director's appointee for a determination as to the existence of such hazardous site. If the management, owner or tenant of the premises does not request a hearing within ten (10) days of the notice, the commissioner or the director shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site. The commissioner of health or the director of operations and regulatory services shall cause orders to be issued to the management, owner or tenant of the premises constituting the hazardous site to take corrective measures to prevent high-risk sexual conduct from taking place within the premises.
 - (ii) If the management, owner or tenant of the premises requests a hearing, the hearing shall be held before the commissioner or the commissioner's appointee or the director or the director's appointee at a date not more than thirty (30) days after demand for a hearing. After considering all evidence, the commissioner or the commissioner's appointee or the director or the director's appointee shall make a determination as to whether the premises constitutes a hazardous site.

The commissioner or the director shall then issue a decision based upon all evidence presented. If the commissioner or the commissioner's appointee or the director or the director's appointee makes a determination that the premises constitute a hazardous site, the commissioner or the director shall then issue an order and cause the premises, building or structure to be posted with a warning advising the public that the premises have been declared a hazardous site.

- (d) If, within thirty (30) days from issuance of the orders to the management, owner or tenant of the hazardous site, the commissioner of health or the director of operations and regulatory services determines that such corrective measures have not been undertaken, then the commissioner of health or the director of operations and regulatory services may order the abatement of the hazardous site as a public nuisance, which shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or may secure a court order for the closure of the premises constituting the "hazardous site" until the premises, building, or structure is in compliance with the standards set forth in section 219.520.
- (e) Any person who removes, destroys, or defaces warnings posted on premises shall be guilty of a misdemeanor.