

**CITY OF FALCON HEIGHTS**  
City Council Workshop  
City Hall  
2077 West Larpenteur Avenue

**AGENDA**

Wednesday, December 4, 2024  
6:30 P.M.

A. CALL TO ORDER:

B. ROLL CALL: GUSTAFSON\_\_\_ LEEHY\_\_\_  
MEYER \_\_\_ MIELKE\_\_\_ WASSENBERG\_\_\_

STAFF PRESENT: LINEHAN\_\_\_ JOHNSON\_\_\_ CITY ATTORNEY\_\_\_ NELSON\_\_\_

C. POLICY ITEMS:

1. City Code Updates – Rental Inspections / Crime Free Housing Program
2. Council Housekeeping Items
  - a. Council Standing Rules
  - b. Liaison Appointments
  - c. 2025 City Calendar
3. 2025 Budget Updates
4. 2025 Proposed Fee Schedule
5. Community Park Playground
6. Recording City Council Workshops

D. ADJOURNMENT:

*DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to [mail@falconheights.org](mailto:mail@falconheights.org) prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.*

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## ITEM FOR DISCUSSION

<b>Meeting Date</b>	December 4, 2024
<b>Agenda Item</b>	Policy C1
<b>Attachment</b>	See Below
<b>Submitted By</b>	Kelly Nelson, Administrative Services Director/Deputy Clerk

<b>Item</b>	City Code Updates – Rental Inspections and Crime-Free Housing
<b>Description</b>	<p>City Code frequently needs updates as issues are raised and Staff enforces code. To reflect practices similar to those in neighboring cities and to help protect renters’ rights, Staff has reviewed the City’s current practices regarding rental properties and has proposed updates to the inspection process, made revisions to the crime-free housing section and added verbiage to ensure air conditioning, if provided by landlords, then it must be kept in working order, as outlined in City Code. The proposed changes made to Chapter 105 of City Code are attached for review and discussion by City Council.</p> <p>Changes of Note Include:  <u>Sec. 105-60 Amendments</u>            Sections 603.1 through 601.4 were added to City Code, which adds Air Conditioning Requirements and establishes maximum temperatures, enforcement and penalties.            In summary, this section states that air conditioning equipment provided by landlords in rental housing units must be properly maintained. And, in units where tenants do not control the cooling system, landlords must ensure that the air conditioning system maintains a temperature of no more than 80 degrees. These standards apply from June 1 to September 30 each year, except when maintenance is required, which must be done with limited disruption. Violations of these air conditioning standards may result in a \$500 per unit, per incident fine.</p> <p><u>Sec. 105-87 Definitions</u>            Under the definition of <i>rental dwelling</i>, wording was added to reflect a recent change in MN State Statute, to include that <i>rental dwelling</i> does not include...” group housing licensed by the Minnesota Departments of Health or Human Services having a licensed capacity of six or fewer individuals....”Such group housing is now exempt from applying for municipal licensing under MN Statute 144G.45 and 245D.02.</p> <p><u>Sec. 105-94 City Inspections</u></p>

- Draft proposes updating language so that compliance official / designated representative remains consistent throughout.
- b). Multifamily inspection period changed from every 24 months to every 12 months.
  - Wording added to reflect that individual units in multifamily dwellings may be subject to inspection.
  - The current City Code states that common areas of multifamily dwellings shall be inspected. The attached draft adds wording to reflect that inspections of multifamily dwellings shall include common areas but that they MAY also include any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge.
    - The Fire Marshal can currently inspect any/all units following due process and noticing requirements if there are suspicions of violations or a problem that may cover multiple units.
- c). Wording added to further state actions the City may take if any owner or (tenant) occupant refuses entry for an inspection.
  - In addition to outlining legal steps the City may pursue, wording is added to state how the license itself may be suspended, revoked or denied.
- (d). Adding mention of a re-inspection fee to City Code.
  - The current fee schedule lists a re-inspection fee of \$50 (due to initial failure). The proposed change adds additional fees if multiple re-inspections are needed. If during an initial inspection, a correction notice is issued, then one re-check will be included in the inspection fee. Should any code violations still exist and second/further inspections are needed, then an additional fee or fees will be charged to the owner. These fees are stated in the Fee Schedule draft.
- (e). Wording added stating that a re-inspection fee can be waived by the City Administrator or their designee in case of error, mistake, injustice, or other good cause.
- (f). Wording added stating that the owner/owner's representative/tenant must be present during the inspection and must permit free access and entry for inspection purposes.
  - Occasionally, an owner asks if they can provide a code to enter an unattended premise. The Fire Marshal will not enter an unoccupied property for inspections.
- (g). Wording added stating that no-shows or refusals to permit entry to the rental dwelling may be subjected to reinspection fees.
  - The City does not currently have an established fee that is issued for no-shows at inspections. Staff proposes redefining the Re-Inspection fee of \$50 to be more all-encompassing so that it includes both no-shows and second and subsequent re-inspections.

	<ul style="list-style-type: none"> <li>• (h) Wording updated to reflect that the city may inspect individual dwelling units if they receive a complaint which may require this to be done.</li> </ul> <p><b>Sec. 105-96 Crime free/criminal activity lease requirements</b></p> <p>In 2023, the Department of Justice did a ruling that the city of Anoka, MN violated constitutional rights through their aggressive use of crime free housing. Staff asked the city attorneys to review city code at that time, and it was determined the language was fine but interpretation/enforcement needed to be cautious. Since then, further opinions have come out to recommend modification to crime free housing language. Staff requested the city attorney review and recommend a new crime free housing ordinance. Campbell Knutson Attorney Petra Asani, who is very familiar with crime free housing compliance, drafted a new ordinance for consideration and will present to the City Council on the recommendations. This section is retitled as <b>Crime free housing program</b> and it includes:</p> <ul style="list-style-type: none"> <li>• (a) adds language to state the purpose is to address properties that burden law enforcement resources and public safety and welfare.</li> <li>• (b) the Program Overview states that background checks are encouraged, but not required, of all prospective tenants aged 18 or order. And, if an owner, agent or property manager elects to do a background check, they must do so in compliance with this Section of City Code summarized below. <ul style="list-style-type: none"> <li>○ Attend an eight-hour crime free housing course by the Minnesota Crime Prevention Association.</li> <li>○ Use a written lease that contains the crime-free/drug-free lease provisions in this Section; and</li> <li>○ Actively pursue the eviction of tenants or termination of the lease of tenants who violate these lease terms.</li> </ul> </li> <li>•</li> </ul>
<b>Budget Impact</b>	None.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• City Code -City Code - Chapter 105 Buildings and Building Regulations Drafted Changes</li> <li>• Crime Free Housing Draft</li> </ul>
<b>Action(s) Requested</b>	Staff requests City Council discuss these potential amendments to City Code, and provide direction in how to proceed with their implementation.

## **Chapter 105 - BUILDINGS AND BUILDING REGULATIONS**

### *Article/Division/Section:*

ARTICLE I	<a href="#"><u>IN GENERAL</u></a>
105-1	<a href="#"><u>Placement of addresses on principal structures</u></a>
105-2	<a href="#"><u>Fire code</u></a>
105-3 – 105-22	<i>Reserved</i>
ARTICLE II	<a href="#"><u>STATE BUILDING CODE</u></a>
105-23	<a href="#"><u>Codes adopted by reference</u></a>
105-24	<a href="#"><u>Application, administration and enforcement</u></a>
105-25	<a href="#"><u>Permits and fees</u></a>
105-26	<a href="#"><u>Optional provisions</u></a>
105-27 – 105-55	<i>Reserved</i>
ARTICLE III	<a href="#"><u>PROPERTY MAINTENANCE</u></a>
105-56	<a href="#"><u>General requirements</u></a>
105-57	<a href="#"><u>Purpose</u></a>
105-58	<a href="#"><u>International Property Maintenance Code adopted</u></a>
105-59	<a href="#"><u>Deletions</u></a>
105-60	<a href="#"><u>Amendments</u></a>
105-61 – 105-85	<i>Reserved</i>
ARTICLE IV	<a href="#"><u>RENTAL HOUSING</u></a>
105-86	<a href="#"><u>Purpose</u></a>
105-87	<a href="#"><u>Definitions</u></a>
105-88	<a href="#"><u>License required</u></a>
105-89	<a href="#"><u>Application for license</u></a>
105-90	<a href="#"><u>License approval</u></a>
105-91	<a href="#"><u>License renewal</u></a>
105-92	<a href="#"><u>License fees</u></a>
105-93	<a href="#"><u>Furnish license</u></a>
105-94	<a href="#"><u>City inspections</u></a>
105-95	<a href="#"><u>Maintenance standards</u></a>
105-96	<a href="#"><u>Crime free/criminal activity lease requirements</u></a>
105-97	<a href="#"><u>Revocation, suspension, and civil fines</u></a>
105-98	<a href="#"><u>Hearing on penalties, revocation, violation, suspension and civil fines</u></a>
105-99	<a href="#"><u>Summary action</u></a>
105-100	<a href="#"><u>Applicable laws</u></a>
105-101	<a href="#"><u>Multiple suspensions</u></a>
105-102 – 105-109	<i>Reserved</i>
ARTICLE V	<a href="#"><u>ELECTRICAL REGULATIONS</u></a>
105-110	<a href="#"><u>Purpose; application of this article</u></a>

105-111	<a href="#">Electrical inspector, qualifications and appointment</a>
105-112	<a href="#">Standards for electrical equipment installation</a>
105-113	<a href="#">Connections to installations</a>
105-114	<a href="#">Permits and inspectors</a>
105-115 – 105-119	<i>Reserved</i>
ARTICLE VI	<a href="#">VACANT PROPERTIES</a>
105-120	<a href="#">Definitions</a>
105-121	<a href="#">Policy</a>
105-122	<a href="#">Registration required; form</a>
105-123	<a href="#">Presumptions, exceptions, and fee waivers</a>
105-124	<a href="#">Recordkeeping</a>
105-125	<a href="#">Fees</a>

## ARTICLE I - IN GENERAL

### *Sec. 105-1 - Placement of addresses on principal structures*

- (a) *Purpose.* The placement of numbers indicating correct addresses on all principal structures and accessory dwelling units within the city is deemed to be in the interests of health, welfare and safety of its residents. Properly numbered structures will allow for identification for police and fire protection purposes.
- (b) *Numbered addresses.* All residential structures and garages abutting alleys shall have the proper street address affixed as designated by the city. All businesses or commercial establishments shall have the proper street addresses affixed to both the front and back of the establishment.
- (c) *Requirements.* All letters shall be a minimum of four inches in height. (Code 1993, § 5-3.04)

### *Sec. 105-2 - Fire code*

The Minnesota State Fire Code, as now or hereafter amended, is hereby adopted by reference. A copy shall be available in the city offices.

(Code 1993, § 2-3.02)

**State Law reference** – State fire code, Minn. Stats. § 299F.011; adoption by reference, Minn. Stats. § 471.62.

### *Secs. 105-3 – 105-22 - Reserved*

## ARTICLE II - STATE BUILDING CODE

### *Sec. 105-23 - Codes adopted by reference*

The Minnesota State Building Code, as adopted by the commissioner of administration pursuant to Minn. Stats. §§ 16B.59—16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the state commissioner of administration, through the building codes and standards division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Code. The Minnesota State Building Code is hereby incorporated in this Code as if fully set out herein.

(Ord. No. 03-05, § 1, 8-13-2003)

**State Law reference** – Adoption by reference, Minn. Stats. § 471.62.

***Sec. 105-24 - Application, administration and enforcement***

The application, administration, and enforcement of the Code shall be in accordance with the Minnesota State Building Code. The code enforcement agency of this municipality is called the Falcon Heights building official. This code shall be enforced by the state certified building official designated by this municipality to administer the code.

(Ord. No. 03-05, § 2, 8-13-2003)

***Sec. 105-25 - Permits and fees***

The issuance of permits and the collection of fees shall be as authorized in Minn. Stats. §326B.153. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minn. Stats. 326B.148.

(Ord. No. 21-02, § 1, 4-28-2021)

***Sec. 105-26 - Optional provisions***

The following are hereby adopted:

- (1) Minn. Rules chapter 1306 with subpart 2, Existing and New Buildings. All floors, basements, and garages are included in this floor area threshold.
- (2) Minn, Rules chapter 1335, Floodproofing Regulations, sections 100 through sections 1406 of the 1972 edition of the “Floodproofing Regulations” from the Office of the Chief Engineers, U.S. Army, Washington, D.C.
- (3) Appendix chapter K (Grading), of the 2018 International Building Code

(Ord. No. 21-02, § 1, 4-28-2021)

*Secs. 105-27 – 105-55 - Reserved*

### **ARTICLE III - PROPERTY MAINTENANCE<sup>1</sup>**

#### ***Sec. 105-56 - General requirements***

The requirements of this article apply to all buildings, structures and property within the city. All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with city and state codes must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation.

(Ord. No. 12-04, § 1, 5-23-2012)

#### ***Sec. 105-57 - Purpose***

The purpose of this article is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly-owned dwellings for the purpose of sanitation and public health, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or constructed in the future and which (i) establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance; (ii) determines the responsibilities of owners, operators and occupants of dwellings; and (iii) provides for the administration and enforcement of this article.

(Ord. No. 12-04, § 1, 5-23-2012)

#### ***Sec. 105-58 - International Property Maintenance Code adopted***

The International Property Maintenance Code, 2012 Edition, is hereby adopted by reference and incorporated herein, subject to the amendments set forth in this article.

(Ord. No. 12-04, § 1, 5-23-2012)

#### ***Sec. 105-59 - Deletions***

The following sections of the International Property Maintenance Code are deleted: 302.4, 302.8, 303, 307, 402.1, 404.4.1, 404.5, 503.4, Chapter 8 all sections.

(Ord. No. 12-04, § 1, 5-23-2012)

#### ***Sec. 105-60 - Amendments***

The following sections of the International Property Maintenance Code are amended to read as follows:

*Section 101.1 Title*

These regulations shall be known as the Property Maintenance Code of the City of Falcon Heights hereinafter referred to as "this Code."

*Section 102.3 Application of Other Codes*

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and Falcon Heights City Code.

*Section 102.7 Referenced Codes and Standards*

The codes and standards referenced in this Code shall mean the applicable provision of the Falcon Heights City Code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply unless preempted by or in conflict with the State Building Code.

*Section 103.2 Appointment*

The City Administrator or the City Administrator's designated agents shall be the code official responsible for the administration and enforcement of this Code. Given limited city resources and local community standards, the City Administrator and other City Code Officials shall have discretion in responding to complaints of violations and prioritizing compliance initiatives and enforcement actions.

*Section 103.5 Fees*

The fees for activities and services performed by the City in carrying out its responsibilities under this Code shall be adopted by Resolution of the City Council.

*Section 106.3 Prosecution of Violation*

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any expenses incurred by the City in carrying out the enforcement of the provisions of this Code shall be included as a special assessment against the property.

*Section 107.2 Form*

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to impose a special assessment in accordance with Section 106.3.

#### *Section 108.1 General*

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be subject to the provisions of this Code.

#### *Section 108.2 Closing of Vacant Structures*

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be assessed to the real estate upon which the structure is located.

#### *Section 108.3 Notice*

Whenever the code official has determined a structure or equipment is unsafe, a structure is unfit for human occupancy or a structure is unlawful under the provisions of this Article, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the unsafe equipment. The notice shall be in the form prescribed in Section 107.2.

#### *Section 108.4 Posting*

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall place a posting on the premises or on the defective equipment which shall provide a statement of the penalties for occupying the premises or operating the equipment.

#### *Section 108.4.1 Posting Removal*

The code official shall provide written approval and remove the posting whenever the defect or defects upon which the enforcement action and posting were based have been eliminated. It shall be unlawful for any person to deface, obscure or remove a posting without the approval of the code official. Any person who defaces, obscures or removes a posting shall be subject to the penalties provided by this Code.

#### *Section 108.5 Prohibited Occupancy*

Any occupied structure posted by the code official shall be vacated as ordered by the code official. Any person who shall occupy posted premises or shall operate posted equipment, and any owner or any person responsible for the premises who shall let anyone occupy a posted premises or operate posted equipment shall be liable for the penalties provided by this Code.

#### *Section 109.6 Hearing*

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing a written notice of appeal with the Clerk, be afforded an appeal/hearing as described in this Code.

#### *Section 110.3 Failure to Comply*

If the owner of a premise fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost thereof assessed to the real estate upon which the structure is located.

#### *Section 111.1 Application for Appeal*

Any person directly aggrieved by a notice issued under this Code, may within ten days after service of the same, appeal to the Council by filing a written notice of appeal with the Clerk. In the case of an appeal from a notice issued to vacate pending elimination of imminent dangers, the appeal shall be heard as soon as possible after the time of filing. In the case of appeals from other notices, the appeal shall be heard at such time as may be established by the Council, but the taking of an appeal from a notice other than one to vacate pending the elimination of imminent dangers shall, during the pendency of such appeal, restrain the City and its officers from proceeding in any manner to enforce such notice.

#### *Section 111.2 Decision of the Council*

All appeals under this Code shall be heard by the Council. The Council may affirm in whole or in part or deny the existence of a violation of this Code, and if the violation is found to exist, confirm or modify the corrective action to be taken or the order requiring vacation of the premises and the time allowed for it.

*Section 111.3 Correction of Violation by City; Assessment of Cost*

In all cases of violation of this Code to which M.S. 145A.03 through 145A.09 are applicable, the Sanitarian may proceed as provided in M.S. 145A.03 through 145A.09 to abate or remove the violation and to have the cost of it specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this Code.

*Section 112.4 Failure to comply*

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

*Section 201.3 Terms Defined in Other Codes*

Where terms are not defined in this Code and are defined in the Falcon Heights City Code or the Minnesota State Building Code, such terms shall have the meanings ascribed to them as stated in those codes.

*Section 304.14 Insect Screens*

Except for owner-occupied residential dwellings, during the period from May 15 to October 15 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

*Section 305.1 General*

The interior of a rental structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. The property owner is ultimately responsible for the whole property.

*Section 307.1 General*

Every exterior and interior flight of stairs shall have handrails on both sides of the stair.

Exception: Stairs having four or more risers and permitted by the Minnesota State Building Code to be less than 44" wide may have handrails on one side. Stairs

having less than four risers and permitted by the Minnesota State Building Code to be less than 44" wide are not required to have handrails.

Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Handrails shall not be less than 34 inches (864 mm) high or more than 38 inches (965 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 42 inches (1067 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exceptions:

1. Guards may be not less than 36 inches (914mm) high where permitted by the Minnesota State Building Code.
2. Guards shall not be required where exempted by the adopted building code.

#### *Section 308.4 Multiple Occupancies*

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. Whenever infestation exists in two or more dwelling units in a dwelling, extermination of the infested areas shall be the responsibility of the owner and operator.

#### *Section 401.3 Alternative Devices*

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

#### *Section 402.3 Other Spaces*

All other spaces shall be provided with natural or artificial light to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. Minimum artificial light shall provide 10 foot candles of light over the room area at a height of 30 inches.

#### *Section 505.1 General. Amended to read:*

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota State Building Code.

### *Section 602.2 Residential Occupancies*

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) at a distance 3 feet above floor level in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -15 ° F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

### *Section 602.3 Heat supply*

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 15 to maintain a temperature of not less than 68°F (20°C) at a distance 3 feet above floor level in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature shall be -15 ° F.

### *Section 602.4 Occupiable Work Spaces*

Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a temperature of not less than 65°F (18°C) at a distance 3 feet above floor level during the period the spaces are occupied.

### *Section 603.1 Air Conditioning Requirements*

General Requirements for Landlord-Provided Equipment: Air conditioning equipment provided by landlords in rental housing units shall be properly installed, connected, and maintained. All air conditioning systems and units must be capable of adequately cooling the space and performing the function for which they were designed.

### *Section 603.2 Temperature Standards During Summer Months*

For rental housing units where tenants do not control the cooling system, landlords must ensure that the air conditioning system maintains a temperature of no more than 80 degrees Fahrenheit in each habitable room. This temperature shall be measured at a distance of three (3) feet above the floor, near the center of the room, and two (2) feet inward from any exterior walls.

For rental units where tenants control the cooling system, landlords must provide an air conditioning system capable of maintaining a temperature of no more than 80 degrees Fahrenheit under typical conditions.

### *Section 603.3 Seasonal Enforcement*

These standards apply from June 1 to September 30 each year, except when temporary shutdown is required for reasonable maintenance or repair purposes. Maintenance should be scheduled to minimize disruption to tenants.

#### Section 603.4 Enforcement and Penalties

Tenants may report violations of Section 603 to the City of Falcon Heights' compliance official. Violations of the air conditioning maintenance standards may result in fines of up to \$500 per unit per incident, and landlords may be required to make necessary repairs within a specified timeframe to ensure compliance.

#### Section 604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the currently adopted National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

#### Section 605.2 Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area and bathroom in a dwelling shall contain at least one receptacle. Any electrical outlet within six feet of a water source or water outlet shall include operable ground fault circuit interrupter protection.

#### Section 606.1 General

Elevators, dumbwaiters and escalators shall be maintained in compliance with Minnesota Elevators and Related Devices Code. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Minnesota Elevators and Related Devices Code, except where otherwise specified by the authority having jurisdiction.

#### Section 702.1 General

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Fire Code.

#### Section 702.2 Aisles

The required width of aisles in accordance with the Minnesota State Fire Code shall be unobstructed.

#### Section 702.3 Locked Doors

All means of egress doors shall be readily openable from the side from which egress

Deleted: ¶

is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

*Section 702.4 Emergency Escape Openings*

Required emergency escape openings for Group IRC, Group R and Group I-1 shall comply with Minnesota State Fire Code Section 1026, Emergency Escape and Rescue.

*Section 704.1 General*

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Minnesota State Fire Code.

*Section 704.2 Smoke Alarms*

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. in each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Minnesota State Fire Code.

(Ord. No. 12-04, § 1, 5-23-2012)

***Secs. 105-61 – 105-85 - Reserved***

**ARTICLE IV - RENTAL HOUSING<sup>2</sup>**

***Sec. 105-86 - Purpose***

It is the purpose of this article to protect the public health, safety and welfare of citizens of the city who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings and multifamily rental dwellings in the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 9, 9-11-2019)

**Sec. 105-87 - Definitions**

For the purposes of this article, the terms defined in this section shall have the meanings given them as follows:

*Compliance official* means the city administrator or his or her designee.

*Operate* means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling/multifamily rental dwelling.

*Rental dwelling* means any single-family dwelling, accessory dwelling unit, duplex dwelling or triplex dwelling, which is rented for more than four consecutive months in any calendar year. Rental dwelling does not include Minnesota Department of Health–licensed rest homes, group housing licensed by the Minnesota Departments of Health or Human Services having a licensed capacity of six or fewer individuals, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

*Multifamily rental dwelling* means any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains four 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. Multifamily rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 10, 9-11-2019)

**Sec. 105-88 - License required**

No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling or multifamily rental dwelling in the city without first obtaining a license. The license is issued annually and is valid until the date of expiration. Changes that result in a 25% change in ownership of a property requires a new license. The new owner(s) must submit an application for a new license within thirty calendar days of acquiring the property. Property owners that are listed on a stock exchange are exempt from the requirements to obtain a new license due to ownership change.

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(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 11, 9-11-2019)

**Sec. 105-89 - Application for licenses**

Applications for licenses shall be made in writing on forms provided by the city and accompanied by the fee amounts as established by the City Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

- (1) Name and address of the owner of the rental dwelling/multifamily rental dwelling.
- (2) Name and address of any agent actively managing the rental dwelling/multifamily rental dwelling. The agent must live within the Seven County Metropolitan area and must have a background check conducted by the police department.
- (3) Name and address of all partners if the registrant is a partnership.
- (4) Name and address of all officers of the corporation if the registrant is a corporation.
- (5) Name and address of the vendee if the rental dwelling/multifamily rental dwelling is owned or being sold on a contract for deed.
- (6) Legal address of the rental dwelling/multifamily rental dwelling.
- (7) Number and kind of units within the rental dwelling/multifamily rental dwelling classified as dwelling units, tenement units, or rooming units or other.
- (8) Name and address of on-site operating manager, if any.
- (9) If property contains an accessory dwelling unit, property owner must reside on the property and verify their permanent residence in either the single-family residence or accessory dwelling unit on the property.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 12, 9-11-2019)

***Sec. 105-90 - License approval***

The compliance official may either approve or deny the license, or may delay action for up to 60 days to permit the city to complete any investigation of the application or the applicant as deemed necessary. If the compliance official approves the license, a license shall be issued to the applicant. If the compliance official denies the application, a notice of denial shall be sent to the applicant at the business address provided on the application along with the reasons for the denial. The notice shall also inform the applicant of their right to appeal the decision to the city council pursuant to the process set forth in this article.

(Ord. No. 13-06, § 1, 12-11-2013)

***Sec. 105-91 - License renewal***

Notwithstanding the application signature requirements, renewals of the license as required annually by this Code may be made by filling out the required renewal form provided by the city to the owner, operator or agent of a rental dwelling/multifamily rental dwelling and mailing said form together with the required registration fee to the compliance official. Failure to file the completed application with the city at least 60 days prior to the expiration of the license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 13, 9-11-2019)

**Sec. 105-92 - License fees**

The license fees shall be in the amount established by the City Council. Failure to pay the license fee for renewal of a license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 14, 9-11-2019)

**Sec. 105-93 - Furnish license**

Every registrant of a rental dwelling/multifamily rental dwelling shall be given a copy of the license. The license shall contain a statement that the tenant or tenants may contact the attorney general for information regarding the rights and obligations of owners and tenants under state law. The statement shall include the telephone number and address of the attorney general.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 15, 9-11-2019)

**Sec. 105-94 - City inspections**

(a) Rental dwellings shall be inspected by the compliance official **or designated representative** in their entirety every 24 months. An application and payment is required annually on a continuous basis. Rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. Rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.

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(b) Multifamily rental dwellings shall be inspected by the compliance official **or designated representative** every 12 months. An inspection will be made of the common areas of the property **and the compliance official or designated representative shall have the authority to enter, at all reasonable times, any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge.** An application and payment is required annually on a continuous basis. Multifamily rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. **Multifamily rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.**

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Commented [AS1]: Per the definition above, "compliance official" means "city administrator or his or her designee". Is the "designated representative" here different than a "designee"? If not, then "designated representative" seems redundant and should be deleted.

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(c) Pursuant to this section, the compliance official shall make inspections to determine the condition of rental dwellings/multifamily rental dwellings located within the city for the purpose of enforcing the rental licensing standards. The compliance official **or designated representative** may enter, examine and survey at all reasonable times all rental dwellings/multifamily rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an **occupant** of the premises does not consent to entry by the compliance official **or designate representative**, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. **If any owner or (tenant) occupant fails or refuses to permit entry to a rental dwelling under its control for an**

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Commented [AS2]: Is this already addressed in the existing Code provision (previous sentence)? I highlighted "occupant" in green in the previous sentence—is that different than the "owner or (tenant) occupant" here?

inspection pursuant to this article, the compliance official **or designated representative** may pursue any remedy at law or under the city code, including, but not limited to, securing an administrative search warrant for the rental dwelling, denying a rental license application, revoking or suspending a rental license, or denying a renewal license.

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Commented [AS3]: This is already stated in the previous sentence.

Commented [AS4]: Does this mean rejecting an application outright, or denying issuance of a license?

(d) The license application fee shall cover an initial inspection of the property and up to one recheck in the event that correction notices are issued during the initial inspection. If the compliance official determines code violations still exist and a second/further inspection(s) is/are needed by them, then a fee will be charged for each subsequent re-inspection occurring after the due date for compliance with an order, as published in and according to the City's current adopted fee schedule.

(e) The City Administrator or their designee may waive a re-inspection fee in case of error, mistake, injustice, or other good cause.

Commented [AS6]: Compliance official?

(f) The owner/owner's representative/tenant must be present during the inspection and must permit free access and entry for inspection purposes.

(g) Should an owner fail to appear for a scheduled inspection without reasonable cause or refuse to permit entry to the rental dwelling, a re-inspection fee may be charged.

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Commented [AS7]: Does this mean the re-inspection fee would be charged because the compliance official would have to come back?

(h) The city may, after receiving a complaint, or at the discretion of the City Administrator, upon receipt of a creditable third-party complaint, or a complaint by residents with reasonable concerns, may require an inspection of rental dwellings/multifamily rental dwellings. A complaint-based inspection which may require individual dwelling units to be inspected.

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(i) The owner's rental housing license may be suspended, revoked or denied renewal for failing to maintain the licensed building in compliance with the property maintenance code as set forth in chapter 105, article III of this Code or otherwise failing to comply with the requirements of the City Code or applicable state or federal law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 16, 9-11-2019)

**Sec. 105-95 - Maintenance standards**

(a) Every rental dwelling/multifamily rental dwelling shall maintain the standards in chapter 105, article III, housing code, and chapter 22, blight, in addition to any other requirement of the ordinance of the city or special permits issued by the city, or the laws of the State of Minnesota.

(b) Any code violation noted by the city must be remedied in a timely fashion by the property owner and reinspected for compliance by the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 17, 9-11-2019)

**Sec. 105-96 - Crime free/criminal activity lease requirements**

Commented [JL8]: Proposed to be completely reworked in separate draft ordinance revision

(a) All tenant leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain the following crime free/criminal activity language:

(1) *Drug-related activity.*

- a. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in drug-related criminal activity, on or near the premises.
- b. Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate drug-related criminal activity on or near the premises.
- c. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- d. Resident, any member of the resident's household or a guest, or other person affiliated with the resident shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.
- e. Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(2) *Criminal activity.*

- a. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in criminal activity, engage in any act intended to facilitate criminal activity, or permit the dwelling unit to be used for or facilitate criminal activity on or near the premises.
- b. Three criminal activity violations involving the same tenancy within a continuous 12-month period shall be a substantial and material violation of the lease and good cause for termination of the tenancy.
- c. Notwithstanding the above provision, criminal activity that jeopardizes the health, safety, and welfare of the landlord, his or her agent, other residents, neighbors or other third party, or involving imminent or actual serious property damage shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(3) *Definitions.*

- a. The term "criminal activity" means the violation of the following:
  1. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
  2. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;

3. Minn. Stats. § 340A.401, which prohibit the unlawful sale of alcoholic beverages;
  4. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
  5. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
  6. Minn. Stats. §§ 609.221 , 609.222, 609.223, and 609.2231 which prohibit assault;
  7. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
  8. Minn. Stats. §§ 609.52 which prohibit theft;
  9. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
  10. Minn. Stats. § 609.582 which prohibit burglary;
  11. Minn. Stats. § 609.595 which prohibit damage to property;
  12. [Chapter 22, article III](#) of this Code, which prohibits nuisances;
  13. Minn. Stats. § 609.72, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; and
  14. [Section 30-3](#) of the Falcon Heights City Code which prohibits the discharge of a firearm.
- b. The term "drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of controlled substance or any substance represented to be drugs in violation of Minn. Stats. §§ 152.01 through 152.025, and 152.027, subs. 1 and 2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802).
- (4) *Non-exclusive remedies.* The crime free/criminal activity provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.
- a. These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2009 and all renewed leases thereafter.
  - b. Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used in violation of the drug-related activity provision of [subsection \(a\)\(1\)](#) or criminal activity provision of [subsection \(a\)\(2\)\(c\)](#), the city shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall

notify the tenant or tenants within ten days of the notice of violation of the crime free/criminal activity lease language and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

- c. Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used for criminal activity as set forth in [subsection \(a\)\(2\)](#) herein, the city shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further criminal activity violations.
- d. If a second criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the second violation. The owner or property manager shall respond in writing within ten days of receipt of the notice with an action plan to prevent further criminal activity violations.
- e. If a third criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten days of the violation of the crime free/criminal activity lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.
- f. The provisions of subsections c., d., e., and f. herein do not apply if the determination that the premises have been used in violation of the crime free/criminal activity provisions of subsections [\(a\)\(1\)](#) and [\(a\)\(2\)](#) herein originates from a call from or at the request of one or more of the tenants occupying the premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term "domestic abuse" has the meaning given in Minn. Stat. § 518B.01, subd. 2.

(Ord. No. 13-06, § 1, 12-11-2013)

***Sec. 105-97 - Revocation, suspension, and civil fines***

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this article shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant rental unit, or any units that become vacant during license injunction.

- (b) *Basis for sanctions.* The compliance official may revoke, suspend, deny or decline to renew any license issued under this article for part or all of a rental dwelling/multifamily rental dwelling upon any of the following grounds:
- (1) *Leasing without a license.* Leasing residential units without a license is subject to license suspension or revocation;
  - (2) *Violation of codes.* Violation of the city maintenance code, building code, or fire code;
  - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
  - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or manager;
  - (5) *Consideration of suspension or revocation.* At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;
  - (6) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;
  - (7) *False statements.* False statements on any application or other information or report required by this article to be given by the applicant or licensee;
  - (8) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
  - (9) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;
  - (10) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection of a rental dwelling/multifamily rental dwelling;
  - (11) *Violation of statute.* Violation of an owner's duties under Minn. Stats. §§ 299C.66 to 299C.71 ("Kari Koskinen Manager Background Check Act");
  - (12) *Delinquent taxes or fines.* Real estate or personal property taxes or municipal utilities have become delinquent or have unpaid fines.
- (c) *Penalties.*
- (1) *Revocation.* Any violation of this article may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this article or Minnesota statutes. All fines are cumulative and revocation periods will run consecutively.
  - (2) *Violation.* Any person that maintains a rental dwelling/multifamily rental dwelling without having a property registered or after the registration for the

property has been revoked or suspended or who permits new occupancy in violation is guilty of a misdemeanor and upon conviction is subject to a fine and imprisonment as prescribed by state law.

- a. *First violation:* Compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
  - b. *Second violation:* If a second violation occurs within 60 days of a first violation the compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
  - c. *Third or more violation:* If another instance of violations occurs within 60 days of the calendar year compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations. If a fourth or subsequent violation occurs, suspension of the license will be pending until a hearing.
- (3) *Suspension.* The city council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (4) *Civil fines.* The city council may impose civil fines in addition to revocation or suspension for violations of any provision of this article as follows:

Within One Calendar Year	Fine Per Unit/Common Building
First Violation	\$300.00
Second Violation	600.00
Third or more within a 12-month period	900.00
Renting without a license after 30 days' notice shall be subject to \$1,000.00 fine per unit and also be a misdemeanor offense	

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 18, 9-11-2019)

***Sec. 105-98 - Hearing on penalties, revocation, violation, suspension and civil fines***

- (a) *Hearing.* Following receipt of a notice of denial or nonrenewal issued by the compliance official or a notice of a violation and penalty issued under [section 105-97](#) of this article, an applicant or license holder may request a hearing before the city council. A request for a hearing shall be made by the applicant or license holder in

writing and filed with the compliance official or compliance official's designee within ten days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before a committee consisting of the compliance official or compliance official's designees. After the committee conducts the hearing it shall report its findings and make a recommendation to the full city council.

- (b) *Findings.* If after the hearing the applicant or license holder is found ineligible for a license, or in violation of this article, the council may affirm the denial, impose a civil penalty, suspend, or revoke a license or impose any combination thereof.
- (c) *Default.* If the applicant or license holder has been provided written notice of the denial, nonrenewal, or violation and if no request for a hearing is filed within the ten-day period, then the denial or revocation take immediate effect by default. The compliance official or designee shall mail notice of the denial, fine, suspension, or revocation to the applicant or license holder. The compliance official shall investigate compliance with the denial or revocation.
- (d) *Penalties for default.* Failure to comply with all terms of this section during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of revocation, suspension or continuation of nonrenewal of the license.
- (e) *Appeal.* Following receipt of a decision by the compliance official to deny, revoke, suspend, or not renew a license, the owner/licensee may request a hearing before the city council. The request must be made in writing to the compliance official within ten days of the compliance official's decision.
- (f) *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 therefor 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. A hearing will be conducted before the city council at a public meeting, or the city council may retain an administrative hearing officer or other impartial third party to conduct the public hearing. The licensee shall have the right to be represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the city council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.
- (g) *Decision basis.* The council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend or revoke a license only upon written findings.

- (h) *Affected facility.* The council may suspend or revoke a license or not renew a license for part or all of a facility.
- (i) *Suspension.* Licenses may be suspended for up to 90 days and may, after the period of suspension, be reinstated subject to compliance with this article and any conditions imposed by the city council at the time of suspension including, but not limited to, receivership or city obtaining control to manage the property temporarily.
- (j) *Written decision, compliance.* A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied.
- (k) *Continuing obligations, penalty.* Revocation, suspension or nonrenewal of a license shall not excuse the owner/licensee from compliance with all terms of this article, this Code, and state laws for as long as any units in the facility are occupied. Failure to comply with all terms of this article during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.
- (l) *New licenses prohibited.* A person who has a rental license revoked may not receive a rental license for another property within the city for a period of one year from the date of revocation. The person may continue to operate other currently licensed rental properties if the properties are maintained in compliance with city codes and other applicable regulations.

(Ord. No. 13-06, § 1, 12-11-2013)

***Sec. 105-99 - Summary action***

- (a) When the condition of the rental dwelling/multifamily rental dwelling of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the compliance official shall have the authority to summarily condemn or close off such area of the rental dwelling/multifamily rental dwelling.
- (b) Any person aggrieved by a decision of the compliance official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the city council immediately, by filing a notice of appeal. The administrator shall schedule a date for hearing before the city council and notify the aggrieved person of the date.
- (c) The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.
- (d) The decision of the compliance official shall not be voided by the filing of such appeal. Only after the city council has held its hearing will the decision of the compliance official be affected.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 19, 9-11-2019)

***Sec. 105-100 - Applicable laws***

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to rental dwellings/multifamily rental dwellings; and this article shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 20, 9-11-2019)

***Sec. 105-101 - Multiple suspensions***

If the license of more than one dwelling unit in a licensed premises is suspended within 12 months, the period of suspension for the second and subsequent dwelling units licensed that are suspended may be doubled for the suspension period specified in [section 105-96](#).

(Ord. No. 13-06, § 1, 12-11-2013)

***Secs. 105-102 – 105-109 - Reserved***

**ARTICLE V - ELECTRICAL REGULATIONS<sup>3</sup>**

***Sec. 105-110 - Purpose; application of this article***

- (a) The purpose of this article is to implement the provisions of the Minnesota State Building Code and Minnesota Rules Chapter 1315 which adopts the National Electrical Code.
- (b) The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, fixtures hereinafter referred to as "electrical equipment", within or on public and private buildings and premises, with the following general exceptions. The provisions of this article do not apply to the installations in mines, ships, railway cars, aircraft, automotive equipment or the installations or equipment employed by a railway, electric or communication utility in the exercise of its functions as a utility, except as otherwise provided in this article.
- (c) As used in this article, "reasonably safe to persons and property" as applied to electrical installations and electrical equipment means safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property.
- (d) For purposes of interpretation of the provisions of this article, the most recently published edition of the National Electrical Code shall be prima facie evidence of the definitions and scope of words and terms used in this article.

(Ord. No. 11-02, § 1, 7-13-2011)

***Sec. 105-111 - Electrical inspector, qualifications and appointment***

*Creation; qualifications.* There is hereby created the office of electrical inspector. The person chosen to fill the office of electrical inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; the statutes of the state relating to electrical work and any orders, rules and regulations issued by authority thereof; and the National Electrical Code as approved by the American Standards Association; shall have two years' experience as an electrical inspector or five years' experience in the installation of electrical equipment, or a graduate mechanical or electrical engineer with two years of practical electrical experience.

- (1) *Licensed inspector.* The electrical inspector shall be a licensed master or journeymen electrician as defined under Minnesota Statutes.
- (2) *Duties of the electrical inspector.* It shall be the duty of the inspector to enforce the provisions of this article. The inspector shall, upon application, grant permits for the installation or alteration of electrical equipment, and shall make inspections of electrical installations, all as provided in this article. The inspector shall keep complete records of all permits issued, inspections and reinsertions made and other official work performed in accordance with the provisions of this article.
  - a. *No financial interest.* It shall be unlawful for the inspector to engage in the sale, installation or maintenance of electrical equipment, directly or indirectly, and the inspector shall have no financial interest in any concern engaged in any such business.
  - b. *Authority of electrical inspector.* The inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinsertion or test of electrical equipment contained therein or its installation. When any electrical equipment is found by the inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the inspector to place such equipment in safe condition. If such work is not completed within 15 days, or any longer period that may be specified by the inspector in said notice, the inspector shall have the authority to disconnect or order discontinuance of electrical service to said electrical equipment. In cases of emergency where necessary for safety to persons and property, or where electrical equipment may interfere with the work of any fire department, the inspector shall have the authority to disconnect or cause disconnection immediately of any electrical equipment.

(Ord. No. 11-02, § 1, 7-13-2011; Ord. No. 21-01, § 4, 01-13-2021)

***Sec. 105-112 - Standards for electrical equipment installation***

- (a) All installations of electrical equipment shall be reasonably safe to persons and property and in conformity with the provisions of this article and the applicable statutes of the state and all orders, rules and regulations issued by the authority thereof. All electrical equipment shall be listed and labeled by a testing agency.
- (b) Conformity of installations of electrical equipment with applicable regulations set forth in the current National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that such installations are reasonably safe to persons and property. Noncompliance with the provisions of this article or the National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that the installation is not reasonably safe to persons and property.
- (c) The electrical inspector may, with approval of the building official, authorize installations of special wiring methods other than herein provided for.
- (d) Buildings or structures moved from without to within and within the limits of the city shall conform to all of the requirements of this Code for new buildings or structures.
- (e) Existing buildings or structures hereafter changed in use shall conform in all respects to the requirements of this Code for the new use.

(Ord. No. 11-02, § 1, 7-13-2011)

***Sec. 105-113 - Connections to installations***

- (a) It shall be unlawful for any person to make connections from a supply of electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected or ordered to be disconnected by the electrical inspector.
- (b) The public or private utility providing services shall disconnect the same upon a written order from the electrical inspector, if the inspector considers any electrical installation unsafe to life and property or installed contrary to this Code.

(Ord. No. 11-02, § 1, 7-13-2011)

***Sec. 105-114 - Permits and inspectors***

- (a) *Permit required.* An electrical permit is required for each installation, alteration, addition or repair of electrical work for light, heat and power within the limits of the city. Permits for the installation of electrical work in new structures shall only be issued to electrical contractors duly licensed by the state. Permits for the installation, alteration, addition or repair of electrical work in existing structures shall only be issued to electrical contractors duly licensed by the state or to resident owners of property where the work is to be done.

- (b) *Public service corporation exception.* No permit shall be required for electrical installations of equipment owned, leased, operated or maintained by a public service corporation which is used by said corporation in the performance of its function as a utility, except that such electrical installation shall conform to the minimum standards of the National Electrical Safety Code.
- (c) *Ownership.* Ownership of any transmission or distribution lines or appurtenances thereto, including, but not limited to, transformers, shall not be transferred by a public service corporation to any person, except another franchised public service corporation dealing in electric energy for distribution and sale, without a permit first having been issued therefore by the city. Such permit shall be issued only after the facilities to be transferred have been inspected and approved as provided in this article and upon payment of an inspection fee as set forth in this section of the article.
- (d) *Application and plans.* Application for such permit, describing the electrical work to be done, shall be made in writing, to the city by the person so registered to do such work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the electrical installation as described will be in conformity with all the legal requirements. The fees for electrical inspection as set forth in this section shall accompany such application. If applicant has complied with all of the provisions of this section, a permit for such electrical installation shall be issued.
- (e) *Concealment.* All electrical installations which involve the concealment of wiring or equipment shall have a "rough-in" inspection prior to concealment, wherein the inspector shall be duly notified in advance, excluding Saturday, Sunday and holidays.
- (f) *Inspection fees.*
- (1) *Permits required.* Before commencing any installation of any work regulated by this section, a permit therefore shall be secured from the building department and the fee for such permit paid. The fees schedule set forth in Minn. Stats. § 326B.37 is adopted by reference and incorporated herein. No such permit shall be issued to do any of the work or make any installation regulated by this section except to persons licensed to do such work under the terms of this section. Holders of a contractor's license shall not obtain permits for electrical work unless the work is supervised by them and is performed by workers employed by them or their firm.
  - (2) *Fees double, when.* Should any person begin work of any kind, such as set forth in this section, or for which a permit from the electrical inspector is required by ordinance, without having secured the necessary permit therefore from the inspector of buildings either previous to or during the day of the commencement of any such work, or on the next succeeding day where such work is commenced on a Saturday or on a Sunday or a holiday, he shall, when subsequently securing such permit, be required to pay double the fees provided for such permit.
  - (3) *Additional fees and/or shortages.* Additional fees and/or fee shortages must be received by the city within 14 days of written notice. If additional fees and/or fee shortages are not received within 14 days of notice, permits for electrical installations will not be accepted by the city until such time as the additional fees and/or fee shortages are received.

(g) *Electrical inspections.*

- (1) At regular intervals, the electrical inspector shall visit all premises where work may be done under annual permits and shall inspect all electrical equipment installed under such a permit since the day of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this section, after the fee required has been paid.
- (2) When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such scheduled inspection; provided, that on large installations where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.
- (3) If upon inspection, the installation is not found to be fully in conformity with the provisions of this section, the electrical inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist.

(Ord. No. 11-02, § 1, 7-13-2011)

***Secs. 105-115 through 105-119 - Reserved***

(Ord. No. 22-01, § 2, 7-13-2022)

**ARTICLE VI – VACANT PROPERTIES**

***Sec. 105-120 - Definitions***

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:

*Compliance official* has the meaning assigned in [Sec. 105-87](#).

*Vacant Properties* means a property with a building or buildings constructed or reconstructed for a business or residential purpose that is unoccupied. This definition does not include an uninhabited accessory dwelling unit, unless both the accessory dwelling unit and single-family residence are unoccupied.

(Ord. No. 22-01, § 1, 7-13-2022)

**Sec. 105-121 - Policy**

The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and registration of vacant Properties within the City.

(Ord. No. 22-01, § 1, 7-13-2022)

**Sec. 105-122 - Registration required; form**

- (1) The owner of a vacant Property located within the City, or an agent of the owner, shall register the property with the compliance official. The registration shall be submitted on forms provided by the compliance official and shall include the following information supplied by the owner:
  - (a) Street address of the Vacant property;
  - (b) The names and addresses of the owner or owners;
  - (c) The contact phone number and email address of the owners and any property managers or caretakers responsible for the upkeep or supervision of the property;
  - (d) The date the building became vacant, the period of time the building is expected to remain vacant;
  - (e) A plan for compliance with all applicable provisions of City Code and other applicable regulations, including building maintenance, snow removal, yard maintenance, and nuisance prevention;
  - (f) Whether service for water, sewer, natural gas and electric utilities is active;
  - (g) The owner must notify the compliance official of any changes in information supplied as part of the vacant building registration within 30 days of any change;
  - (h) The addresses of all other properties within the City, whether vacant, undeveloped, or occupied, that the owner owns or has an ownership interest in;
  - (i) If a property is vacant and the owner fails to complete the registration process, the City may administratively register the property.
- (2) The current owner of a vacant property shall file a new registration with the compliance official within 30 days of any of the following occurring:
  - (a) Any transfer of ownership interest in the property;
  - (b) Change of the contact phone number or email address of the owner or the property manager or caretaker; or
  - (c) Change to the plan for compliance with applicable City Code provisions.

(3) The owner of a vacant property shall file a new registration every two years. (Ord. No. 22-01, § 1, 7-13-2022)

***Sec. 105-123 - Presumptions, exceptions, and fee waivers.***

- (1) Any one of the following conditions shall constitute a rebuttable presumption that a building is vacant. It shall be the responsibility of the owner to establish that it is not a vacant property if any of these conditions exist.
- (a) Discontinuance of trash service;
  - (b) Disconnection from water or sewer service; or
  - (c) Water usage of less than an average of 50 gallons over a three-month period.
- (2) Vacant Properties are not required to register or pay the registration fee if any of the following apply:
- (a) the City or any governmental entity is the owner of the vacant property;
  - (b) the owner possesses a valid building permit for remodeling the building located thereon or for construction of a new building on such property;
  - (c) there is a valid, unexpired business license issued by the City;
  - (d) there is a valid, unexpired residential rental license issued pursuant to [Article IV of Chapter 105](#);
  - (e) there is a valid development agreement or redevelopment agreement with the City; or
  - (f) the property is actively marketed as “for sale” at a reasonable price by the owner or the owner’s designee, broker, or agent. It is the obligation of the vacant Property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A property listed on the MLS (multiple listing service) or similar listing service is presumed to be actively marketed.
- (3) The following vacant Properties are required to register, but the registration fee is waived;
- (a) Residential properties with one or two dwelling units where the owner intends to resume occupancy of at least one unit as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant Property as a dwelling within 180 days will result in imposition of the waived registration fee; or
  - (b) The City Administrator may grant a waiver of the registration fee one time for an owner suffering hardship and for which the registration fee is

a burden.

(Ord. No. 22-01, § 1, 7-13-2022)

***Sec. 105-124 - Recordkeeping***

The compliance official shall maintain a record of all vacant buildings that have become known to the compliance official, including those registered and those not registered.

(Ord. No. 22-01, § 1, 7-13-2022)

***Sec. 105-125 - Fees***

The City Council may, by fee schedule or ordinance, adopt a fee or fees for the registration required by this article. If adopted, the fee must be limited to the reasonable costs associated with registration, enforcement, and compliance of this article.

(Ord. No. 22-01, § 1, 7-13-2022)

Footnotes:

<sup>1</sup> **Editor's note** – Ord. No. 12-04, § 1 adopted May 23, 2012, amended Art. III in its entirety to read as set out herein. Former Art. III, §§ 105-56 – 105-63, pertained to housing code and derived from the Code of 1993, §§ 10-1.01, 10-1.02, 10-2.01 – 10-2.04, 10-3.01, 10-4.01; Ord. No. 97-05, § 1, adopted July 9, 1997.

<sup>2</sup> **Editor's note** – Ord. No. 13-06, § 1, adopted Dec. 11, 2013, amended Art. IV in its entirety to read as set out herein. Former Art. IV, §§ 105-86 – 105-99, pertained to similar subject matter and derived from Ord. No. 08-04, § 1, adopted Oct. 22, 2008.

<sup>3</sup> **Editor's note** – Ord. No. 11-02, § 1, adopted July 13, 2011, set out provisions intended for use as Art. IV, §§ 105-70 – 105-74. Inasmuch as there were already provisions so designated, these provisions have been redesignated as Art. V, §§ 105-110 – 105-114, at the discretion of the editor.

**Sec. 105-96 - Crime free housing program**

Deleted: /criminal activity lease requirements

(a) Purpose. The purpose of the crime free housing program is to mitigate the burden of repeated instances of disorderly conduct and criminal activity in rental properties on law enforcement resources and public safety and welfare. The city council finds that landlords are best positioned to address this activity before it escalates to warrant law enforcement intervention. The city council also finds that putting conditions on the use of disorderly conduct and criminal activity in housing determinations will protect and encourage individuals seeking legitimate law enforcement support to seek assistance without fear of housing retaliation.

(b) Program Overview.

(1) An owner, agent, or property manager of rental dwelling(s) in the city is encouraged, but not required, to conduct a criminal background check of all prospective tenants eighteen (18) years and older. If an owner, agent, or property manager chooses to conduct a criminal background check, they must do so in compliance with this Section.

(2) Owners, agents, or property managers must comply with the following requirements prior to conducting any criminal background checks on prospective tenants or enforcing the crime-free/drug-free lease provisions provided in this Section:

a. Attend an eight-hour crime free housing course certified by the Minnesota Crime Prevention Association and offered either by the city or another municipality in the State of Minnesota, which course must include training on compliance with the Fair Housing Act. The rental dwelling licensee is responsible for the cost of training. Proof of completion must be provided to the city compliance official before a license may conduct criminal background checks. Failure to provide proof of completion of a training within two (2) years before conducting criminal background checks may result in revocation, suspension, nonrenewal, or nonissuance of a license;

b. Use a written lease that contains the crime-free/drug-free lease provisions in this Section; and

c. Actively pursue the eviction of tenants or termination of the lease for tenants who violate the terms of the lease and/or the crime-free/drug-free lease provisions. Nothing in this Section restricts rental dwelling licensees from entering into leases with applicants possessing a criminal history, except as noted in Section 105-96(f)(3)(e).

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

(1) Criminal activity means conviction of a misdemeanor or higher for any of

the following offenses:

- a. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
- b. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and related acts;
- c. Minn. Stat. § 243.166 relating to violation of the state’s predatory offender registration requirement, provided that an individual has not committed criminal activity simply because they are required to register and properly do register;
- d. Minn. Stat. § 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- e. Minn. Stat. § 340A.503, subd. 1(2), which prohibits the underage use of alcoholic beverages except within the household of and with the permission of the underage individual’s parent or guardian, and provided there is no violation of Chapter 30, Article II of the Falcon Heights City Code, the City’s Social Hosts ordinances;
- f. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
- g. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter, unless an individual was acting in self-defense or in defense of others;
- h. Minn. Stats. §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault, unless an individual was acting in self-defense or in defense of others;
- i. Minn. Stat. § 609.226 relating to great or substantial bodily harm caused by dangerous dogs and the negligent confinement of dangerous dogs;
- j. Minn. Stat. § 609.255 which prohibits false imprisonment;
- k. Minn. Stat. § 609.25 which prohibits kidnapping;
- l. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
- m. Minn. Stat. § 609.50 which prohibits interference with a peace officer, firefighter, or member of an ambulance service in the performance of their official duties;
- n. Minn. Stat. § 609.52 which prohibits theft, as long as the acts constituting

theft occur in a dwelling unit;

o. Minn. Stat. § 609.53 which prohibits receiving stolen property, but only if the value of the property is no less than \$1,000 such that the underlying theft would qualify as a felony;

p. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;

q. Minn. Stat. § 609.582 which prohibits burglary, but which shall not apply to acts that could also be considered shoplifting;

r. Minn. Stat. § 609.595 which prohibits damage to property;

s. Minn. Stat. § 609.71 which prohibits riot;

t. Minn. Stat. § 609.713 which prohibits threatening to commit a violent crime with the intent to terrorize another or to cause the evacuation of a building;

u. Minn. Stat. § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other nearby premises, other than the unit occupied by the person(s) committing the violation;

v. Minn. Stat. § 609.78 which prohibits intentional interference with “911” phone calls;

w. Minn. Stat. § 609.903 which prohibits racketeering; and

x. Section 30-3 of the Falcon Heights City Code which prohibits the discharge of a firearm, unless the individual was acting in self-defense or in defense of others.

(2) It shall not be considered criminal activity for an individual to seek emergency assistance on their own behalf or on behalf of another, including through making an “emergency call” as defined by Minn. Stat. § 609.78. “Emergency assistance” that is not considered criminal activity includes the following situations:

a. Any individual who seeks emergency assistance as or on behalf of a victim of criminal activity, including but not limited to domestic abuse as defined in Minn. Stat. § 518B.01, subd. 2;

b. Any individual who seeks emergency assistance for their own or another’s mental health, disability-related, or substance abuse issues; and

c. Any individual seeking emergency assistance who is not a health care

**Commented [PA1]:** This section includes some language from VAWA’s right to report crime and emergencies, 34 U.S.C. 12495 and incorporates recommendations from HUD and DOJ guidance.

professional and acts in good faith in administering an opiate antagonist to another person whom the person believes in good faith to be suffering a drug overdose.

- (3) Drug-related criminal activity means conviction of a misdemeanor or higher for illegal possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distributed a “controlled substance” as defined in Minnesota Statutes, Section 152.01, subdivision 4, in violation of Minn. Stat. §§ 152.01 through 152.025, and 152.027, subd. 1-2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802.

(d) *Prospective Tenant Background Check Procedure.*

- (1) All licensees must provide a written copy of the following two-step criminal background check policy in a format provided by the city, to any prospective tenants before accepting an application or application fee.
- (2) Step One: Limited criminal background screening. A licensee may conduct a limited criminal background screening either for the applicant or for all individuals age eighteen (18) and older who will reside in the rental dwelling. A licensee’s choice to screen either the applicant or all individuals age eighteen (18) and older must be applied consistently for all rental applications. The limited background screening will consider only:
1. Criminal activity within the twelve (12) months prior to the anticipated start-date of the lease;
  2. Drug-related criminal activity within twelve (12) months prior to the anticipated start-date of the lease;
- (3) Step Two: Individual assessment. If an individual is identified as having criminal activity or drug-related criminal activity within the last twelve (12) months through the limited criminal background screening, the licensee shall provide an individual assessment of the individual’s current situation. The purpose of this assessment is to determine whether the individual is able to fulfill the obligations of tenancy at the property.
- a. The licensee will send a written notice to each applicant for whom the applicant or a prospective resident is identified as having activity covered by the limited criminal background screening. The notice shall inform the applicant of the covered criminal conduct identified and invite the applicant an opportunity to provide additional information within ten (10) days of receipt of the written notice.
  - b. An applicant may respond to the notice with a description of the reasons why the covered criminal conduct should not disqualify their application for rental housing, such as rehabilitation efforts or responsible conduct by the applicant or individual with the criminal conduct history. The applicant

may include supporting documentation such as letters from parole officers, case workers, counselors, family members, or community organizations.

c. Based on the information received from the applicant and the limited criminal background screening, the licensee will conduct an individual assessment of the individual's risk to the safety and welfare of the property's current residents, employees, or visitors within twenty (20) days after receipt of an applicant's response to a notice of covered conduct. All individual assessments must be conducted consistently across applicants for all rental dwelling units of the licensee. The licensee shall consider only the following factors in determining whether to approve or reject the application:

1. The facts or circumstances surrounding the covered conduct;
2. The age of the applicant at the time of occurrence of the covered conduct;
3. Evidence of good tenant or employment history before or after the occurrence of the covered conduct;
4. Evidence of rehabilitation efforts;
5. The time that has elapsed since the occurrence of the conduct;
6. Any information about the applicant that indicates good conduct since the covered conduct occurred;
7. Whether the covered conduct arose from the individual's status as a survivor of domestic violence, sexual assault, stalking, or dating violence;
8. Whether the covered conduct arose from an individual's disability, including mental illness and substance abuse; and
9. Any other information related to whether the individual's specific covered conduct creates the potential that the property's current residents, employees, or visitors will be exposed to a heightened risk of criminal activity or drug-related criminal activity.

d. If an applicant does not provide information to the licensee within ten (10) days of receipt of the notice of covered conduct, the licensee will assess the applicant under the factors in Section 105-96(d)(3)(c) based on the information available to the licensee, including information received from credit screenings and the limited criminal background screening.

e. In no event may a licensee take action against any resident that would constitute a violation of Minn. Stat. § 504B.225, or that would penalize an

individual who sought emergency assistance that is not considered criminal activity under this section.

f. If a licensee decides to reject an application following an individual assessment, then the licensee shall send to the applicant a written notice outlining the reasons for rejecting the application on the date of the decision to reject.

(e) *Crime-free/drug-free lease provisions.* All licensees desiring to use criminal background checks during the rental housing application process or the term of any lease shall include the following provisions in all new and renewed leases, in addition to all other terms of the lease, using contractually and legally equivalent language:

- (1) Tenant, any members of tenant's household or any individual under tenant's control shall not engage in drug-related criminal activity on the rental premises, as defined in Falcon Heights City Code Section 105-96(c).
- (2) Tenant, any members of tenant's household or any individual under tenant's control shall not permit the rental premises to be used for, or to facilitate drug-related activity.
- (3) Tenant, any member of tenant's household or any individual under tenant's control shall not engage in conduct which would constitute a crime of violence, as defined in Minn. Stat. § 624.712, subd. 5, except for offenses falling under Minn. Stat. Ch. 152, regardless of whether a charge or conviction is obtained.
- (4) Tenant, any members of tenant's household or any individual under tenant's control shall not engage in criminal activity on the rental premises, as defined in the Falcon Heights City Code Section 105-96(c).
- (5) Three instances of a violation of any of the above provisions within a continuous 12-month period shall be a substantial and material violation of the lease and good cause for termination of tenancy. One instance of criminal activity or crime of violence that jeopardizes the health, safety, and welfare of any individual lawfully on the premises, or involving imminent or actual serious property damage on the premises, shall be a substantial and material violation of the lease and good cause for termination of tenancy.
- (6) Tenant shall have the right to contest any determination that they have violated the above provisions by following the procedure outlined in the Falcon Heights City Code Section 105-96(f).
- (7) In no event may Landlord take action against Tenant that would constitute a violation of Minn. Stat. § 504B.225, or that would penalize an individual who sought emergency assistance as defined in Falcon Heights City Code Section 105-96(c)(2).

(8) The above provisions are in addition to all other terms of the lease and do not limit or replace any other provisions or limit a tenant's rights or remedies under the terms of this lease or other applicable law. If any portion of these provisions is found to be invalid or unenforceable by a court of competent jurisdiction, that portion shall be severed and the remaining provisions remain in effect.

(f) Procedure for violations of crime-free/drug-free lease provisions. The following procedures shall govern the enforcement of crime-free/drug-free lease provisions:

(1) First violation.

a. If the licensee determines for the first time by a preponderance of the evidence that there has been a violation of the crime-free/drug-free lease provisions for a particular tenancy, the licensee shall make all reasonable efforts to provide the tenant with written notice of the violation. Licensee shall also provide a copy of this notice to the city.

b. The tenant may appeal the licensee's determination within ten (10) days of receipt of the notice by providing a written explanation and any evidence demonstrating why the violation does not constitute a substantial and material violation of the crime-free/drug-free lease provisions. Tenant shall send their appeal to the licensee and provide a copy to the city.

c. The licensee shall evaluate a tenant's appeal using the factors outlined in Section 105-96(d)(3)(c). The licensee must provide the tenant and the city with a written final determination on the appeal no later than twenty (20) days after receipt of tenant's appeal.

(2) Second violation.

a. If the licensee determines by a preponderance of the evidence that there has been a second violation of the crime-free/drug-free lease provisions within a continuous 12-month period for a particular tenancy, the licensee shall make all reasonable efforts to provide tenant with written notice of this second violation. Licensee shall also provide a copy of this notice to the city.

b. The tenant may appeal the licensee's determination following the same procedure as a first violation. A licensee shall evaluate a tenant's appeal and provide a written final determination following the same procedure as a first violation.

c. If a second violation is not appealed or the appeal affirms the finding of a violation, the landlord and tenant must confer within fourteen (14) days of the final determination to develop an action plan to mitigate further violations. Such action plan must be submitted to the city within seven (7) days of the meeting for approval as appropriate for mitigating further

**Commented [PA2]:** Requiring the tenant and landlord to jointly develop an action plan would be one option to make the ordinance less heavy-handed and cooperative between landlords/tenants, but it would take longer to resolve the situation than the alternative of just requiring the landlord to make and implement an action plan. Either way, cities have used the action plan model to take a proactive approach to prevent third violations that are preventable and minimize the likelihood of evictions.

violations and fairly balancing the interests of the tenant and landlord.

(3) Third violation.

- a. If the licensee determines by a preponderance of the evidence that there has been a third violation of the crime-free/drug-free lease provisions within a continuous 12-month period for a particular tenancy, the licensee shall make all reasonable efforts to provide tenant with a written notice of this third violation and that the landlord will proceed with terminating the tenancy and/or evicting those individuals who are in violation if the tenant does not appeal within ten (10) days of receipt of the notice. Licensee shall also provide a copy of this notice to the city.
- b. The tenant may appeal the licensee's determination directly to the City Council by providing the compliance official and licensee written notice of appeal within ten (10) days of receipt of the licensee's notice of a violation. Upon filing an appeal, a licensee may take no action against a tenant or the individuals in violation while the appeal remains pending, except where such stay of action would cause imminent peril to life, health, or property.
- c. The City Council will hear tenant's appeal at the next regularly scheduled public meeting that is at least five (5) days subsequent to receipt of the appeal. The tenant has the right to present evidence, testimony, and arguments at such hearing. The licensee also has the right to present evidence and arguments at such hearing, including regarding the licensee's compliance with any applicable action plan.
- d. The City Council shall make a determination on the tenant's appeal within 20 days of the appeal hearing. The City Council may reverse, modify, or affirm, in whole or in part, a finding of a violation and direct the licensee to evict the tenant, if applicable, and/or take any other appropriate action, including but not limited to mitigation measures to deter future criminal activity. The City Council shall consider the factors outlined in Section 105-96(d)(3)(c), whether the individual failed to comply with any applicable action plan, and whether the individual in violation still poses a risk to the health, safety, and welfare of any individuals on the premises.
- e. If an individual is evicted or their lease terminated under this section, a licensee shall not enter into a new lease with the evicted individual for a period of twelve (12) months after the eviction or lease termination at any of licensee's rental dwelling units in the City.
- f. Additionally, if the City Council finds that a licensee failed to comply with their responsibilities under an action plan that addressed mitigation measures for the particular prohibited activity or location where the prohibited activity occurred, regardless of the tenant's compliance with such plan, the licensee is in violation of this Section and their license may

**Commented [PA3]:** Alternatively, the City could create a board to review these appeals that includes the compliance official. That would streamline the appeals process since the compliance official should be kept updated with all notices relating to each tenancy prior to an appeal being taken. Additionally, it would allow for landlords and tenants to resolve their disputes in a setting that isn't publicly in front of the entire community along with regular council agenda items.

**Commented [PA4]:** These factors are similar to those noted in the HUD's 2016 and 2022 guidance.

be revoked, suspended, or not renewed. Nothing in this section prevents the City Council from permitting the compliance official to establish an action plan with the licensee to remedy the violation in lieu of revocation, suspension, or nonrenewal of the license, provided that such remedies may be reinstated upon noncompliance with the action plan.

- (4) In no event may a licensee take action against any resident that would constitute a violation of Minn. Stat. § 504B.225, or that would penalize an individual who sought emergency assistance as defined in this section. Licensees who have knowledge that a violation of the crime-free/drug-free lease provisions constitutes an instance of an individual seeking emergency assistance shall not make a determination that the violation constitutes a substantial and material violation of the lease.
- (5) Enforcement of the crime-free/drug-free provisions provided in this section shall not be exclusive, and the City may take any action with respect to a licensee or individual on the licensed premises as is authorized by this Code or state or federal law.

(g) Form of Notices. The compliance official shall maintain template notices for all notices that a licensee is required to provide under this section. All notices a licensee is required to provide under this section shall contain substantially the same form and language as the template notices.

(h) Record-keeping.

- (1) Licensee shall retain for three (3) years after receipt of an application for rental housing the following records: all rental applications, criminal background screening records, communications between landlords and applicants relating to criminal background screening, and any rental determination made, including the basis for that determination, to the extent allowed by state and federal law.
- (2) Licensee shall retain a copy of each lease for three (3) years after the expiration of the lease term or renewed lease term.
- (3) Licensee shall retain a copy of all records related to enforcement of the crime-free/drug-free lease provisions for three (3) years after a final determination in the enforcement action.
- (4) Licensee shall provide any of these records to the city upon request.
- (5) ▼
- a. ▼
- b. ▼
- c. ▼

**Commented [PA5]:** Faribault has some template notices we can repurpose. We may not want to include those notices in the ordinance itself since the ordinance is rather lengthy to begin with, but they could be added as an appendix to the ordinance.

**Deleted:** ~~<#>All tenant leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain the following crime free/criminal activity language:¶  
<#>Drug-related activity.¶  
<#> Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in drug-related criminal activity, on or near the premises.¶  
<#> Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate drug-related criminal activity on or near the premises.¶  
<#> Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate drug-related criminal activity, regardless of whether the~~

**Deleted:** ~~Non-exclusive remedies. The crime free/criminal activity provisions are in addition to all other terms of the lease and do not limit or replace any other  
<#> These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2009 and all renewed leases thereafter.¶~~

**Deleted:** ~~<#> These lease provisions shall be every new lease for a tenancy beginning January 1, 2009 and all renewed leases thereafter.¶~~

**Deleted:** ~~Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used in violation of the drug-related activity provision of subsection (a)(1) or criminal activity provision of subsection (a)(2)(c), the city shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall notify the tenant or tenan~~

**Deleted:** ~~<#> Upon determination by the compliance licensed premises or unit within a licensed premises was used for criminal activity as set forth in subsection (a)(2) herein, the city shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further criminal activity violations.¶~~

**Deleted:** ~~If a third criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten days of the violation of the crime free/criminal activity lease language within the lease and proceed with~~

**Deleted:** ~~The provisions of subsections c., d., e., and f. herein do not apply if the determination that the premises have been used in violation of the crime free/criminal activity provisions of subsections (a)(1) and (a)(2) herein originates from a call from or at the request of one or more of the tenants occupying the premises for police or emergency assistance, or in the case of domestic abuse,~~

(Ord. No. 13-06, § 1, 12-11-2013)

**Sec. 105-97 - Revocation, suspension, and civil fines**

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this article shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant rental unit, or any units that become vacant during license injunction.
- (b) *Basis for sanctions.* The compliance official may revoke, suspend, deny or decline to renew any license issued under this article for part or all of a rental dwelling/multifamily rental dwelling upon any of the following grounds:
- (1) *Leasing without a license.* Leasing residential units without a license is subject to license suspension or revocation;
  - (2) *Violation of codes.* Violation of the city maintenance code, building code, or fire code;
  - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
  - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or manager;
  - (5) *Crime free housing. Violation of the crime free housing provisions of the city code or failure to actively pursue eviction of tenants in accordance with those provisions;*
  - (6) *Consideration of suspension or revocation.* At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;
  - (7) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;
  - (8) *False statements.* False statements on any application or other information or report required by this article to be given by the applicant or licensee;
  - (9) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
  - (10) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;

- (11) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection of a rental dwelling/multifamily rental dwelling;
- (12) *Violation of statute.* Violation of an owner's duties under Minn. Stats. §§ 299C.66 to 299C.71 ("Kari Koskinen Manager Background Check Act");
- (13) *Delinquent taxes or fines.* Real estate or personal property taxes or municipal utilities have become delinquent or have unpaid fines.
- (14) *Violation of other applicable law.* Violation of the Fair Housing Act, Violence Against Women Act, American with Disabilities Act, and any other applicable federal, state, or local law.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	December 4, 2024
<b>Agenda Item</b>	Policy C2
<b>Attachment</b>	Standing Rules and Council and Advisory Commission Roles and Guidelines; Proposed 2025 Calendar
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Council Housekeeping: Standing Rules, Liaison Appointments, 2025 Calendar
<b>Description</b>	<p><b><u>Overview</u></b>  This is an opportunity for the City Council to discuss and recommend any modifications to the City’s standing rules, advisory commissions roles and guidelines, and the 2025 calendar.</p> <p><b><u>Standing Rules</u></b>  Each year, at the annual meeting, the City Council reviews the operating procedures it intends to use and decides if changes are warranted.</p> <p>During the January 10, 2024 City Council meeting, approval of the standing rules was tabled until further review and discussion could take place during workshop. It was discussed at the February 7<sup>th</sup> workshop, and after discussion, the City Council recommended we review this annually at the December Workshop</p> <p>With the assistance of the League of Minnesota Cities, the Standing Rules / Advisory Guidelines were approved on September 23, 2020 with the City Council and Advisory Commission Roles and Guidelines as attached.</p> <p><b><u>Commission Liaison Assignments</u></b>  Council Members are each assigned to serve as a liaison between City Council and various commissions each year. Per the City Council and Advisory Commission Roles and Guidelines document section B(3):</p> <p style="margin-left: 40px;"><i><u>Council Liaison:</u></i>  <i>Each Council Member will be assigned meetings through the year that they are expected to attend on behalf of the City Council. At the December or January City Council Workshop Meeting, Council Members will discuss liaison appointments to commissions and outside boards. Appointments will be made on declared interest to the extent possible. The slate of liaison appointments will be approved by a majority vote by the council. Regular rotation of liaisons is encouraged. Information from these meetings that might be of interest to the other Council Members should be reported at the end of the monthly City</i></p>

	<p><i>Council workshop meetings under “Mayor and City Council Comments and Commission Liaison Updates.” This portion of the Council meeting is not a time for further discussion or questioning beyond specific clarification of the update or announcement. Such is best handled during other communication routes or one to one meetings with staff, Mayor, or Council Members.</i></p> <p><i>Role of Liaison: In the interest of fostering independent discussion among commission members, the role of the council liaison is not to direct the commission or steer debate or sway opinion, but rather to serve the commission as an information resource between the commission and council and to faithfully represent the discussion and recommendation of the commission back to the City Administrator and Council</i></p> <p>At the February 14, 2024 meeting, the following appointments were made:</p> <ul style="list-style-type: none"> <li>• Planning Commission – Eric Meyer</li> <li>• Community Engagement Commission – Melanie Leehy</li> <li>• Parks and Recreation Commission – Jim Wassenberg</li> <li>• Environment Commission – Paula Mielke</li> <li>• Northeast Youth and Family Services – Jim Wassenberg <ul style="list-style-type: none"> <li>○ City Administrator will be the alternate</li> </ul> </li> <li>• North Suburban Cable Commission (Nine North) – Paula Mielke <ul style="list-style-type: none"> <li>○ Randy Gustafson will be the alternate</li> </ul> </li> </ul> <p><b><u>City Calendar</u></b></p> <p>Each year, City Staff sets the upcoming year’s meeting calendar based on our past practices for meeting dates and based around our city holiday schedule per our personnel policy.</p> <p>Moving forward, we are recommending that we formally approve the annual calendar so that we can advertise meeting dates to the public and the media.</p> <p>The attached calendar highlights the suggested 2025 meeting dates for City Council, commissions and our city holiday schedule. The council and the commissions still reserve the right to add special meetings or cancel meetings based on the requirements outlined in the Minnesota Open Meetings Act.</p> <p>Upon approval, staff will add all of the dates in to the city website calendar and post the dates as our official meetings.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• City Council Standing Rules</li> <li>• City Council and Advisory Commission Roles and Guidelines</li> <li>• 2025 Proposed City Calendar</li> </ul>

<b>Action(s) Requested</b>	Staff would recommend reviewing the Council Standing Rules and Council and Advisory Commission Roles and Guidelines for 2025 in order to make any necessary revisions to them before adopting them at the first meeting in January.
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## City Council and Advisory Commission Roles and Guidelines

### PURPOSE

The purpose of the document is to outline the main roles, duties, and authority of the City Council (Council) and Advisory Commissions (Commissions). This document also establishes general guidelines for decorum of the governing bodies such as proper procedure during meetings, best practices to represent Council and the community, and other state and local laws that apply.

### POLICY

#### **A. City Council Role and Authority**

The five-member City Council is the chief governing body of the City whose responsibility it is to see that the City is properly exercising its functions, fulfilling the duties law imposes, overseeing the organization's financial affairs and selecting the City Administrator, and not exercising powers which it does not legally possess.

The City Council, as a body, has the following major areas of authority and responsibility. These are:

1. Selecting the City Administrator
2. Focus on policy and outcomes ensuring that the strategic direction leads the city to the desired outcome
3. Setting and interpreting rules governing its own proceedings,
4. Exercising all the statutory powers of cities,
5. Legislating for the City,
6. Directing the enforcement of City ordinances,
7. Appointing or hiring non-seasonal or non-temporary personnel,
8. Overseeing the City's financial operations and adopting the annual budget,
9. Appointing members of the boards, commissions, committees, chairs and task forces conducting the City's inner and regional governmental affairs,
10. Protecting the general health, welfare and safety of the City and its inhabitants
11. Providing community leadership and vision

The most important single responsibility of individual Council Members is participation and voting at City Council meetings and workshops. As individuals, Council Members have no individual administrative authority; they cannot direct staff or otherwise supervise City employees unless the Council specifically directs them to do so. Staff's respective duties are to Council as an entity. No one Council Member has any right to privileged information, or the direction of staff analysis, research or action apart from the group. As a Council, however, Council Members should devote their official time to issues of basic policy and to acting as liaisons between the City and the general public. Council Members should be concerned, not only with the conduct of current affairs, but also with the future development and welfare of the City.

#### **B. Affirmation of Expectations**

The Council seeks to establish commonly held expectations and to clarify roles and procedures to further Council and staff effectiveness. These various initiatives are to not suppress the dynamic

engagement which is so valuable to policy development. The Council is committed to a set of behavioral expectations, intended to create a high level of trust, creativity, and productivity. These include:

1. Staying focused on top priority and strategic goals, rather than becoming reactive,
2. Engaging in proactive, on-going communication which avoids unnecessary surprises,
3. Seeking common ground and coming together, avoiding the fueling of controversy or anxiety,
4. Focusing on others' actions and avoiding speculation about their intentions,
5. Building trust by being transparent, ethical, and acting with integrity,
6. Engaging in and encouraging direct communication,
7. Maintain confidentiality of all closed session materials and discussion,
8. Assuming good intentions and asking about intent, and
9. Respecting all citizens and all members
10. Read packets ahead of time and, when possible, provide the City Administrator advance notice about questions for staff before the meeting
11. Participate in all issues, not just select matters of personal interest
12. Voting after council discussion
13. Debate and disagree, without fighting and with keeping it to the issue at hand
14. Remember that council makes policy and sets direction, and staff manages the operations and implements Council actions

There are also expected activity levels of Council Members in addition to attending additional meetings, training, activities and events as part of the fulfillment of their duties. Some of these are:

1. City Council Orientation: Setting the information foundation of a Council Member is important. Therefore, for each new Council Member, a detailed orientation plan should be completed and fulfilled within the first year of office.
2. City Council Meetings: Council Members are expected to be present and on time at all noticed meetings of the City Council. Absences from Council meetings should be identified as soon in advance as possible and communicated to the City Administrator to assure a quorum and necessary voting numbers are present for any given action before the Council.
3. Council Liaison: Each Council Member will be assigned meetings through the year that they are expected to attend on behalf of the City Council. At the December or January City Council Workshop Meeting, Council Members will discuss liaison appointments to commissions and outside boards. Appointments will be made on declared interest to the extent possible. The slate of liaison appointments will be approved by a majority vote by the council. Regular rotation of liaisons is encouraged. Information from these meetings that might be of interest to the other Council Members should be reported at the end of the monthly City Council workshop meetings under "Mayor and City Council Comments and Commission Liaison Updates." This portion of the Council meeting is not a time for further discussion or questioning beyond specific clarification of the update or announcement. Such is best handled during other communication routes or one to one meetings with staff, Mayor, or Council Members.
  - **Role of Liaison**: In the interest of fostering independent discussion among commission members, the role of the council liaison is not to direct the commission or steer debate or sway opinion, but rather to serve the commission as an information resource between the

commission and council and to faithfully represent the discussion and recommendation of the commission back to the City Administrator and Council.

4. Additional Meetings: There are a number of meetings and events outside the normal meeting schedule that it is important for Council Members to attend. Some of them are:
- City Council/Advisory Commission Kick-off event
  - Groundbreaking and grand openings of City facilities
  - Joint meetings with other public entities
  - One-on-one meetings with the City Administrator as established
  - Development Tour
  - Emergency Management Training
  - Racial Equity and Inclusion training as designated for Falcon Heights Staff, Council and Commissioners.
  - Human Rights Day
  - City Organized Events (ex. Human Rights Day and Ice Cream Social)

### **C. Advisory Commission Role and Authority**

Advisory Commissions have a primary role to advise the City Council in the creation and evolution of City policies and procedures. In particular instances, governing bodies may facilitate public participation in order to fully develop a recommendation to the City Council.

City staff members are available to provide general assistance to Advisory Commissions. Advisory Commissions are not involved in the administration or operation of City departments. Commissions may not conduct major studies, or establish official policy without the approval of the City Council.

Despite Commissions' differing tasks, all share some basic responsibilities. Members need to stay informed on subjects of interest to their specific commission. Conscientious attendance is also a fundamental responsibility, as irregular attendance lessens one's ability to study all aspect of items under consideration.

### **D. Non-Participation in Administration**

The City Council has an important oversight and fiduciary responsibility and must develop processes to ensure accountability. Central to an understanding of the role of Council Members is a confirmation of an appropriate relationship with staff. Members of the Council shall refrain from becoming directly involved in the administrative activities of the City and shall not intrude into those areas that are exclusively the responsibility of staff. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Council as a whole. Neither an individual Council member nor any Commission member shall give direction or orders to any staff member.

The Council shall work with City staff through the City Administrator or his / her designee. The City Administrator may choose to establish formal or informal norms for routine Council or Commissioner Staff interaction.

### **E. Agendas**

Council and Commission agendas shall be established by the City Administrator or his / her designee. Future agenda items requested by a Council Member or Commission Member shall be discussed during a regular and/or workshop meeting and will be determined by the majority of the Council or Commission.

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be at the Council meeting rather than administrative details. Any clarifications or technical questions that can be readily answered should be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the City Administrator as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

Any staff member (authorized by the City Administrator”), the Mayor or two (2) Council Members wishing to add an item to any agenda pursuant to this section shall do so by complying with the following: (a) All requests from Council to place an item on the posted agenda must submit an action form to city administration\* and be received by the City Administrator by 10:00 a.m. 11 days prior to the next Council work session meeting. For a regularly scheduled Wednesday Workshop, the deadline for agenda item would be 10:00 a.m. on the Thursday preceding packet completion. All request from the Mayor and Council must first be reviewed at a Council Workshop before being placed on the agenda of a regular meeting.

## **F. Communication**

1. E-mails: All e-mails sent through the City server shall be saved per the City’s data retention policies. Each Council Member shall be assigned a unique City e-mail address for City-related e-mail communication. It is strongly advised for Council Members to exclusively use this address for their City business e-mails. Use of personal email for City business could create government data to their personal account subjecting them to retention laws and possibility of discovery if the City receives a data request.

Council Member e-mail communications should be directed either to the City Administrator or to a department head, copying the City Administrator. General electronic communications related to the specific functions of the City Clerk (i.e. scheduling of meetings, record retention, data practices, research, etc.) and the Communications Coordinator (i.e. composing of various items such as articles for the newsletter, press releases, and general correspondence) following positions, may be directly e-mailed, copying the City Administrator.

Council Member communication may not copy more than one other Council Member in their correspondence, nor should e-mail messages be forwarded on from one member to another so as to create a “walking quorum.” E-mails to Council Members from the public should be done through City issued emails, which will be shared with all members of the Council.

Advisory Commission members will not receive a City e-mail address. Commissioners should direct all their communications to their Commission staff liaison.

2. Written correspondence: The City Clerk or assigned staff shall open up incoming mail for the Mayor, Council Member and Commission Members (unless it is labeled personal and confidential) and disseminate these materials. The City Clerk or assigned staff is authorized to

provide copies of Council Members' correspondence to pertinent staff members. General correspondence addressed to Council Members shall be opened and distributed to all Council Members as appropriate.

3. Text messages/social media correspondence: All electronic communications from Council to staff or from Council to the public should utilize a City issued address.
4. The City logo, insignia and brand can only be used for City business and not for political or personal purposes.
5. Prior to interviews with the press, Council Members will inform the City Administrator or designee to coordinate message points.
6. Speaking for the City: When Council Members are requested to speak to groups or are asked for the City Council's position on an issue (verbal or written), the response should reflect the position of the City Council as a whole. A Council member may clarify his/her vote on a matter by stating, for example, "While I voted against X, the City Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

The City Administrator will be the designed representative for all media inquiries and interviews when requested for an official statement of the City, unless specified differently by the full City Council.

## **G. General Meeting Guidelines**

During meetings, members shall preserve order and decorum and shall obey the rules of the governing body. Governing bodies are expected to conduct meetings implementing Robert's Rules of Order (11<sup>th</sup> edition). Discussions shall be conducted in an orderly fashion. Private conversation between members during meetings is inappropriate. Members also should not privately communicate with any member of the public, including other governing body members and staff via electronic means during a public meeting. As much as possible, or practical, members should provide City staff questions in advance of a meeting that may entail research and preparation for items on the forthcoming agenda.

The City Council will also comply with the Council Standing Rules which is adopted annually to include Sikkink's Seven Motion System.

A member once recognized, shall not be interrupted while speaking unless called to order by the chair, or the speaker chooses to yield to questions from another member. All members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the body. Members shall also refrain at all times from rude and derogatory remarks. Members shall confine their remarks to the issues before the body and shall not attempt to revisit or reopen issues already addressed and settled with one exception: a member of the prevailing side on an issue may move for formal reconsideration of that issue.

Citizens and staff attending meetings shall also observe the same rules of propriety, decorum and good conduct applicable to Council/Commission Members. Any person making personal, impertinent, or slanderous remarks or anyone who becomes boisterous while addressing the body or

while attending the meeting shall be asked by the Mayor/Chairperson to conduct themselves properly, and if they fail to do so shall be asked to leave the room.

If the governing body conducts public hearings, members shall not express their views on a proposal until after a public hearing is closed. Members' comments and questions shall not suggest a position. After a public hearing is closed, members shall be invited to discuss their views on the proposal. Members shall apply City Council and Advisory Commission Guidelines and Practices to achieve win-win solutions whenever possible.

Outside of deliberations, it is a member's responsibility to present views and recommendations representing the governing body as a whole. Members expressing views not represented by the majority of the body shall identify them as such.

Public statements shall not include promises that may be construed to be binding on the City, governing body or staff. When making a public statement, members shall indicate that Commission actions are recommendations and that final action will be taken by the City Council.

Public officials and representatives on governing bodies shall follow Minnesota State Statute 10A.07 Conflicts of Interest and Minnesota State Statute 10A.09 Statements of Economic Interest.

The success or failure of a governing body's efforts may be dependent upon the degree of cooperation evident among the individual members of the body; therefore, members shall work to establish a good relationship with each other.

Each member shall keep in mind these important points:

- Show respect for another's viewpoint.
- Allow others adequate time to fully present their views before making comments.
- Be open and honest.
- Make new members feel welcome and help them become acquainted with their duties.
- Comments are confined to the current issue or policy, not to the person who made other comments
- Refrain from speaking a second time until everyone has spoken a first time
- No verbal attacks of other members
- No side conversations
- Pay attention (avoid use of any personal technology devices)
- Speak directly and openly to one another
- Support Council decisions

Members shall not vote on, nor participate in the discussion of, issues in regard to which the member has a conflict of interest. Conflict of interest is generally defined as having a personal financial interest in the outcome. Further information can be obtained from the City Attorney by contacting the City Administrator.

Members are also expected to consider issues in terms of the good of the City as a whole and should, as much as possible, be perceived as considering issues on this basis. To this end, members are requested to publicly disclose any relationships to parties involved in an issue or possible perceived conflicts which might be viewed as impacting their ability to objectively consider an issue before them.

## **H. Requests for Information/Analysis**

City Council requests for information should be made through the City Administrator, according to protocol for channeling communications. Any request that requires a significant amount of staff time to research a problem or prepare a response may be referred to the full Council for direction to ensure that staff resources are allocated in accordance with overall Council priorities.

Commission requests for information will be made to the designated Commission staff liaison. Requests requiring a significant amount of staff time to research a problem or prepare a response may be referred to the full Commission for direction to ensure that staff resources are allocated in accordance with overall Commission priorities as directed by the Council.

## **I. Conflicts of Interest**

State laws regarding ethics and conflicts of interest are some of the most important for Council Members to be aware of and follow. Essentially, these laws prohibit any Council Member from voting on any question that is brought before the Council in which he/she is personally involved, or has an incompatible occupational or financial interest. Due to both the complexity of these laws and the significant consequences if violated, it is highly suggested that Council Members discuss with the City Attorney potential conflicts who shall consult the City Administrator.

## **J. Discrimination**

The City of Falcon Heights does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual orientation or disability in the admission or access to, or treatment or employment in, its programs, activities, or services. Members of a governing body must adhere to this City policy as well as City policies regarding non-discrimination, harassment or inappropriate behavior.

## **K. Gifts**

All local officials in the State of Minnesota, including appointed commissioners, are required to adhere to Minnesota Statute 471.895.

Non-adherence to these guidelines may be subject to review by the City Council.

## 2025 CALENDAR

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NOVEMBER						
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30						

JUNE						
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29	30					

DECEMBER						
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21	22	23	24	25	26	27
28	29	30	31			

City Holidays		
City Council Meetings - 7:00 PM	Council Workshops - 6:30 PM	CE Commission - 6:30 PM
Environment Commission - 6:30 PM	Parks Commission - 6:30 PM	Planning Commission - 7:00 PM
City Events		
State Fair Task Force - 6:30 PM		
Spring Together - May 17		
Ice Cream Social - July 17		
Fall Fest - TBD but Oct. 11 or 12 as possibilities		

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## ITEM FOR DISCUSSION

<b>Meeting Date</b>	December 4, 2024
<b>Agenda Item</b>	Policy C3
<b>Attachment</b>	N/A
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	2025 Budget Adjustments
<b>Description</b>	<p>Each year, the City must set and certify to Ramsey County a preliminary levy by September 30th.</p> <p>At the time of the preliminary levy adoption, policing costs – the City’s largest expense – remained relatively unknown. As of October and November, the City knows the costs for policing to be as follows:</p> <ul style="list-style-type: none"> <li>1) RCSO - January &amp; February - Approximately \$150,000 per month</li> <li>2) SAVPD - March through December - Approximately \$73,000 (8 hours per day patrol) to \$135,000 (24 hours per day patrol) per month.</li> </ul> <p>Working with St. Anthony Village, it is likely that patrol will be around the 8 hours per day model until staffing allows progression to the intermediate steps, which may be a while. However, as recruiting success better than anticipated could occur, staff is recommending the budget for policing be set at the amount that would reflect 12 months of 24 hours patrol from SAVPD, or \$1,615,514. In the initial September preliminary levy, staff proposed increasing policing costs to \$1,850,000 to reflect price uncertainty.</p> <p>To accommodate the anticipated police cost increase, the City strategically reduced costs in other areas. One area that staff recommends restoring is to increase general fund transfers to capital by \$40,000. The City annually budgets \$40,000 in transfers to capital to account for depreciation. While this could be done short-term, it would be best to increase this amount.</p> <p>As a result of these changes, staff is proposing decreasing the proposed levy by \$194,486. This changes the proposed levy from an increase of 9.97% to an <b>increase of 2.78%</b>. For the median homeowner in Falcon Heights, this represents an increase of \$10 per year in the city-portion of their taxes.</p> <p>Impacts to the Overall Property Tax Levy:</p>

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Original Proposed 2025</u>	<u>Proposed 2025</u>	<u>Change 2024 to 2025</u>
General Fund Levy	\$2,166,934	\$2,284,612	\$2,510,386	\$2,821,187	\$2,626,701	\$116,315
Debt Service Levy	\$193,510	\$189,686	\$189,686	\$148,058	\$148,058	(41,628)
<b>TOTAL LEVY</b>	\$2,360,444	\$2,474,298	\$2,700,072	\$2,969,245	\$2,774,759	\$74,687

Impacts on a Median Value Home in Falcon Heights:

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Original Proposed 2025</u>	<u>New Proposed 2025</u>	<u>Change 2024 to 2025</u>
Median Value Home	\$309,600	\$362,150	\$373,950	\$396,100	\$396,100	\$22,150
Taxable Median Value	\$299,570	\$357,504	\$370,366	\$385,199	\$385,199	\$14,833
Tax Capacity	\$2,995	\$3,575	\$3,704	\$3,852	\$3,852	\$148
City Tax Rate	38.741%	35.19%	36.94%	38.916%	35.787%	-1.15%
City Taxes	\$1,161	\$1,257	\$1,368	\$1,499	\$1,368	\$10
<b>Net Change</b>	\$47	\$96	\$110	\$131	\$10	

The 2025 proposed increase on a median value home is estimated to be \$10 per year or \$0.83 per month.

**Budget Impact** Dependent upon adoption of the 2025 General Fund Budget. Budget Hearing Scheduled for:  
  
Time: 7:00 pm  
Date: Wednesday, December 11, 2024  
Location: 2077 Larpenteur West, Falcon Heights, MN 55113, City Council Chambers

**Attachment(s)** N/A

<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council discuss the proposed 2025 General Fund Budget / Levy and recommend any changes to staff before the Truth-in-Taxation Hearing on December 11 <sup>th</sup> .
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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	December 4, 2024
<b>Agenda Item</b>	Policy C4
<b>Attachment</b>	Proposed Fee Schedule
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	2025 City Fee Schedule Ordinance
<b>Description</b>	<p>The City Council reviews the fee schedule annually for any adjustments. Some adjustments, including increases in water, sewer and recycling rates, are approved with the passage of the 2025 budget.</p> <p>Included in the proposed fee schedule is adding a definition to help outline the Re-Inspection Fee. Background: Rental/Business License fees cover a fire inspection and up to one recheck of the property, should correction orders be written. If a property still fails to pass during the recheck, then a Reinspection Fee may be charged per existing Falcon Heights. Additionally, this Reinspection Fee may be charged for no-shows at inspections. If the Fire Marshal visits any property more than twice, for whatever reason, then a Reinspection Fee PER OCCURRENCE (per trip to the property by the Fire Marshal) may be charged. This fee is to cover the hard costs the City experiences for Fire Marshal inspections, which are often scheduled nights and weekends.</p> <p>The proposed fee schedule includes establishing cannabis and hemp business registration fees for both initial applications (\$500) and renewals (\$1,000). This is per State recommendation and is in-line with other Ramsey County cities.</p> <p>Although no changes are proposed to the fees associated with building plan review, the draft includes adding language to help be more transparent in stating how planning review fees are calculated according to a formula outlined in MN Statute Section 326B.106. This sometimes causes confusion with homeowners undertaking major renovations and not calculating the city plan check fees in to their project.</p> <p>The Park Facility Rental Amenities and Fees section proposes no fee changes, but merely updates the park amenities stated, removes the option to rent the current Community Park Building, and adds the picnic areas of Curtiss Field and The Grove to the list of rentable facilities so that it mirrors the application form that staff currently uses.</p>
<b>Budget Impact</b>	N/A

<b>Attachment(s)</b>	<ul style="list-style-type: none"><li>• Proposed 2025 City Fee Schedule (draft)</li></ul>
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**CITY OF FALCON HEIGHTS  
Proposed 2025 Fee Schedule**

**A. LICENSES**

1. Business Licenses

<u>Item</u>	<u>Fee</u>
Bus Benches (Courtesy)	\$ 50.00 per bench
Gasoline Station Operator License	
Fewer than 15 hours	\$ 100.00
15-20 hours	\$ 400.00
20 hours or more	\$ 500.00
Municipal Business	
10,000 sq. ft. or less	\$ 100.00
10,001 sq. ft. or more	\$ 200.00
Pool Hall	\$ 800.00
Precious Metal Dealer	
Investigation fee/general	\$ 1,500.00
Investigation fee/MN only	\$ 500.00
License fee	\$ 2,000.00
Restaurant	
Lunchroom	\$ 50.00
Fewer than 15 hours	\$ 100.00
15-20 hours	\$ 400.00
20 hours or more	\$ 500.00
Therapeutic Massage License	
Investigation fee	\$ 350.00
License fee	\$ 100.00
Home Occupation License	\$ 50.00
Retail Grocery License	\$ 50.00
Holiday Tree Sales License	\$ 50.00
Car Wash License	\$ 50.00

2. Liquor Licenses

<u>Item</u>	<u>Fee</u>
Bottle Club	\$ 300.00
Liquor, Off-Sale	\$ 310.00
Liquor, On-Sale	\$ 4,000.00
Liquor, Special Event	\$ 25.00
Liquor, Sunday	\$ 200.00
Malt Beverage, Off-Sale	\$ 150.00
Malt Beverage, On-Sale	\$ 500.00
Malt Beverage, On-Sale (with wine license)	\$ 1.00
Wine License	\$ 2,000.00
Temporary Liquor License	\$ 50.00
Background Checks (per license)	\$ 500.00

3. Other Licenses

<u>Item</u>	<u>Fee</u>
Amusement machines (per machine)	\$ 30.00
Cigarette sales	\$ 250.00
Contractor licenses	\$ 35.00
Peddlers and solicitors	
(For profit)	\$ 25.00 per individual
(Charitable)	Free, but license still required
Pedicab	\$50.00 per pedicab
	\$25.00 per driver
Pool tables (per table)	\$ 30.00
Refuse Haulers	\$ 100.00
Low-Density Rental License	\$ 50.00/per unit
High-Density Multifamily Rental License	
5-19 units per building	\$ 150.00
20-49 units per building	\$ 200.00
50-99 units per building	\$ 250.00
100+ units per building	\$ 300.00
Re-inspection	
(due to initial recheck failure or a no-show)	\$ 50.00 per occurrence
Cannabis and Hemp Business Registration	
(Initial)	\$ 500.00
(Renewal)	\$ 1000.00

**B. PERMITS**

1. Building permit fees:

Total Valuation	Fee
\$1.00 - \$500.00	\$29.50
\$501.00 - \$2,000.00	\$28.00 for first \$500, \$3.70/each additional \$100, to and including \$2000
\$2,001.00 - \$25,000	\$83.50 for first \$2000, \$16.55/each additional \$1000, to and including \$25,000
\$25,001.00 - \$50,000	\$464.15 for first \$25,000, \$12.00/each additional \$1000, to and including \$50,000
\$50,001.00 - \$100,000.00	\$764.15 for first \$50,000, \$8.45/each additional \$1000, to and including \$100,000.00
\$100,001.00 - \$500,000.00	\$1,186.65 for first \$100,000, \$6.45/each additional \$1000, to and including \$500,000
\$500,001.00 - \$1,000,000.00	\$3,886.65 for first \$500,000, \$5.50/each additional \$1,000, to and including \$1,000,000
\$1,000,001 and up	\$6,636.65 for first \$1,000,000, \$4.50/each additional \$1,000

**326B.153 BUILDING PERMIT FEES.**

**Subd. 2. Plan review.**

Fees for the review of building plans, specifications, and related documents submitted as required by section 326B.106 must be paid based on 65 percent of the building permit fee required in subdivision 1.

Other Inspections and Fees:

1. Inspections outside of normal business hours \$47.00 per hour<sup>1</sup> (minimum charge – two hours)
2. Re-inspection fees assessed under provisions of Section 305.8 \$47.00 per hour<sup>1</sup>
3. Inspections for which no fee is specifically indicated \$47.00 per hour<sup>1</sup> (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans \$47.00 per hour<sup>1</sup> (minimum charge – one-half hour)
5. For use of outside consultants for plan checking and inspections, or both actual costs<sup>2</sup>

<sup>1</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

<sup>2</sup>Actual costs include administrative and overhead costs.

*\*Building Permits are subject to the State Surcharge*

2. Relocation of structure or building: \$ 150.00
3. Demolition or removal of structure: \$ 1.25/1,000 cubic ft.; minimum \$ 50.00
4. Residential Solar Installation  
Flat fee: \$200  
State Surcharge: \$1.00
5. Mechanical permit fees
  - a. Residential Work  
**Base Fee** \$50.00  
  
**State Surcharge** \$1.00  
  
**Furnace/Boiler (warm air or hot water heating system)**  
\$70.00 New  
\$40.00 Replacement  
\$30.00 Unit heaters  
  
**Air conditioning and refrigeration**  
\$50.00 New

\$30.00 Replacement

**Other Items**

\$35.00 Gas line/piping

\$40.00 Duct work

\$45.00 Wood burning furnace per unit

\$40.00 Swimming pool heater per unit

\$35.00 Air exchanger with duct work per unit

\$35.00 Gas or oil space heater per unit

\$35.00 Gas direct vent heater per unit

\$35.00 Gas fireplace log or heater per unit

\$35.00 Gas hot water heater for domestic hot water (only if replacing gas

line)

**b. Commercial Work**

Gas piping, refrigeration, chilled water, pneumatic control, ventilation, exhaust, hot water, steam, and warm air heating systems.

This fee shall be \$50 plus 1-1/4 percent (1.25%) of the total valuation of the work. Value of the work must include the cost of installation, alteration, addition, and repairs, including fans, hoods, HVAC units and heat transfer units, and all labor and materials necessary for installation. In addition, it shall include all material and equipment supplied by other sources when those materials are normally supplied by the contractor.

6. **Plumbing Permit Fees**

\$35.00 base fee plus \$10.00 per fixture installed, \$ 1.00 state surcharge

7. **Right of Way Permit Fees**

Item

Fee

Registration fee

\$ 25.00

Hole

\$400.00

Trench

\$400.00 + \$40.00 per

100 lineal feet or portion thereof

Boring

\$400.00 + \$ 40.00 per

100 lineal feet or portion thereof

Obstruction

\$50.00 + \$ 0.20 per lineal foot

Small Cell Wireless

Permit fee

\$ 100.00

Rent on City structure

\$ 150.00 per year

Maintenance for colocation

\$ 25.00 per year

Monthly electrical services

Radio node less than 100 watts

\$ 73.00 per month

Radio node over 100 watts

\$ 182.00 per month

8. Sewer Connection or Repair \$ 50.00
9. Water Connection
- | <u>Meter Size</u> | <u>Fee</u>  |
|-------------------|-------------|
| 3/4"              | \$ 62.00    |
| 1"                | \$ 115.00   |
| 1-1/2"            | \$ 265.00   |
| 2"                | \$ 470.00   |
| 3"                | \$ 1,080.00 |
10. Street Opening Fee \$ 25.00 (plus cost of permit)
11. Zoning Permit
- | <u>Item</u>           | <u>Fee</u>                      |
|-----------------------|---------------------------------|
| Fence                 | \$50.00                         |
| Temporary Sign        | \$50.00                         |
| Permanent Sign (each) | \$ 50.00                        |
| Residential driveway  | \$ 40.00                        |
| Commercial driveway   | Subject to Building Permit Fees |
12. Mobile Storage Structure/Dumpster Permit
- | <u>Location</u>     | <u>Fee</u> |
|---------------------|------------|
| On private property |            |
| 14 days             | \$ 10.00   |
| 30 days             | \$ 20.00   |
| On public street    |            |
| 72 hours            | \$ 10.00   |
- (Permits may be renewed once in a 90 calendar-day period)
13. Chicken Permit (first time and subsequent applications) \$ 50.00
14. Beekeeping Permit (first time and subsequent applications) \$50.00

**C. PLANNING FEES\***

<u>Item</u>	<u>Fee</u>
Comprehensive Plan Amendment	\$ 500.00
Conditional Use Permit	\$ 500.00
Design Review	
(when required by code)	\$ 50.00
Lot Split (one lot into two)	\$ 500.00
Planned Unit Development	\$ 500.00
Rezoning/Zoning Amendment	\$ 500.00
Subdivision (>1 new lot)	\$ 500.00 + \$ 100.00/lot created
Variance	\$ 500.00
Tax Increment Finance (TIF)	

Application Fee	\$5,000.00 Non-Refundable
Escrow	\$10,000.00

\*Fee plus actual cost billed by contractors or city consultant fees.

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## D. FACILITY RENTAL FEES

Private use of public facilities is permitted on a space available basis. Reservations and damage deposits are required for private use of the following community facilities. Discounted rates are available for weekly bookings:

### Park Facility Rental Amenities & Fees

Facility	Amenities available	Rental Fees	
		Half Day 9am-3pm / 4pm-10pm	Full Day 9am-10pm
<b>Community Park Building &amp; Upper Picnic Area</b> (2050 Roselawn Ave; corner of Roselawn and Cleveland)	Park building Full kitchen (stove, oven, refrigerator/freezer, sink, microwave) Tables & chairs Inside bathrooms Portable toilet 2 BBQ grills 9.4 Outdoor Picnic tables Trash receptacles Parking lot (50 vehicle capacity) plus off-street parking	Not Available \$20 + tax	\$150 + tax \$35 + tax
<b>Community Park East Picnic Area</b> (near playground)	2 Picnic tables 1 BBQ grill Trash receptacles Portable toilet Parking lot (50 vehicle capacity) plus off-street parking	\$20 + tax	\$35 + tax
<b>Community Park Lower Picnic Area</b> (Southwest corner of park)	2 Picnic tables 1 BBQ grill Trash receptacles Portable toilet Parking lot (50 vehicle capacity) plus off-street parking	\$20 + tax	\$35 + tax
<b>Curtiss Field Picnic Area</b> (near playground) 1551 W. Iowa Ave.	3 picnic tables 1 BBQ Grill Portable ADA bathroom Parking lot (10 spots); there's also on street parking	\$20 + tax	\$35 + tax
<b>The Grove</b> 1600 Coffman Street	2 picnic tables 1 BBQ grill Trash receptacles NO RESTROOM Limited on-street parking	\$20 + tax	\$35 + tax
<b>Play Kit Rental</b>	Includes variety of balls, Frisbees, and other play equipment	\$15 + tax	
<b>Set up/Tear Down</b>		\$25	

#### Disclaimers:

- A damage deposit (\$200-400, or as determined by the City Administrator) is required for park facility rentals. The deposit must be made in a separate form from the payment and will be

refunded upon return of facility key and inspection of the facilities.

- Nonprofit organizations must provide a copy of a Tax Exempt form (MN Dept. of Rev, IRS, W9 or MN Dept. of Taxation)
- Key pick up must be arranged two (2) days prior to scheduled event. Keys may be picked up at City Hall.
  - Regular business hours: Monday –Friday 8:00am-4:30pm
  - Summer hours (Memorial Day-Labor Day): 7:30am- 5:00pm Monday-Thursday, Friday 8:-noon
- Keys can be returned during business hours to City Hall. After hours drop-off is available via the drop box outside the main entrance.
- Rental permits will be issued once payment is received. Staff cannot reserve the facility without payment.
- If you plan on bringing any outside equipment (i.e. inflatable devices, dunk tanks etc.) into the park, you must disclose this to a city employee during the reservation process. The City may require documentation such as a hold harmless agreement or certificate of insurance naming the City has an additional insured.

### City Hall Facility Rental Fees

	Rental Fees			
	Capacity	3 hours	Half Day 9am-3pm/4pm-10pm	Full Day 8am-10pm
<b>Council Chambers</b> Full room (includes kitchen facility)	150 75 Seated	\$125.00 + tax, if applicable	\$200.00 + tax, if applicable	\$275.00 + tax, if applicable
<b>Partial Council Chambers</b> (Front or Back Half)	75 30 Seated	\$60.00 + tax, if applicable	\$115.00 + tax, if applicable	\$175.00 + tax, if applicable
<b>Kitchen Facility</b>	10 6 Seated	\$30.00 + tax, if applicable	\$60.00 + tax, if applicable	\$75.00 + tax, if applicable
<b>Conference Room</b>	8 maximum	\$35.00 + tax, if applicable	\$70.00 + tax, if applicable	\$125.00 + tax, if applicable
<b>Set Up Fee</b> (government entities exempt; subject to staff availability)	\$30.00			

#### Disclaimers:

- A \$200 refundable damage deposit is required for City Hall rentals. The deposit must be made in a separate form from the payment and will be refunded upon return of facility key and inspection of the facilities.
- Nonprofit organizations must provide a copy of a Tax Exempt form (MN Dept. of Rev, IRS, W9 or MN Dept. of Taxation)

- Key pick up must be arranged two (2) days prior to scheduled event. Keys may be picked up at City Hall.
  - Regular business hours: Monday –Friday 8:00am-4:30pm
  - Summer hours (Memorial Day-Labor Day): 7:30am- 5:00pm Monday-Thursday, Friday 7:30am-noon.
- Keys can be returned during business hours to City Hall. After hours drop-off is available via the drop box outside the main entrance.
- Rental permits will be issued once payment is received. Staff cannot reserve the facility without payment.
- City Hall cannot be rented for private social gatherings.

### Field/Court/Rink Rental Fees

*Discounted rates are available for Multi-day bookings (see below)*

Individual/Group type	Single Day Use		Multi-day Use (weekly fee)
	3 hour block	Additional hours	
Resident	\$20 + tax	\$10/hour + tax	-
Non-resident	\$30 + tax	\$10/hour + tax	-
Youth organizations (must be open to youth aged 2-18 in Falcon Heights)	\$20 + tax	\$10/hour + tax	2 days/week: \$35 3 days/week: \$50 4 days/week: \$65 5 days/week: \$80 6+ days/week: \$100
Adult organizations	\$30 + tax	\$10/hour + tax	2 days/week: \$40 3 days/week: \$55 4 days/week: \$70 5 days/week: \$85 6+ days/week: \$105
<b>Play Kit Rental</b>  (Includes variety of balls, Frisbees, and other play equipment)		<b>\$15 + tax</b>	
<b>Setup / Tear Down</b>		<b>\$25.00</b>	

**Disclaimers:**

- Fees apply only for games and practices. Tournaments or special events/services are subject to additional fees.
- Field/Court/Rink use permits will be issued when payment and application are received.
- All short term rentals (1-5 times) entitle the customer to use of the field as is; anything additional will be the customer's responsibility (i.e. striping the field or providing bases.)
- Special request of services will be dealt with on a case by case basis and may include extra fees. All requests should be discussed with the Parks and Recreation Department at 651-792-7617.

**CURTISS FIELD**

1551 Iowa Avenue Falcon Heights, MN 55113

**COMMUNITY PARK**

2050 Roselawn Ave Falcon Heights, MN 55113

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## E. FACILITY USE BY PUBLIC SERVICE ORGANIZATIONS

1. Public facilities are available for use on a reservation basis.
2. The following shall be allowed use of public facilities but set up/tear down fees apply:
  - a. Specifically listed local organizations:
    - League of Women Voters
    - Senior Citizen Groups (Falconeers, Roseville Area Seniors)
    - Ramsey County League of Local Governments
    - League of Minnesota Cities/ Association of Metropolitan Municipalities
    - Watershed management organizations
    - Scouts, Brownie Troops, 4-H, Campfire
    - Neighborhood Groups (e.g. Grove Association, Maple Knoll Courtyard Homeowner's Association)
    - 55 Alive Mature Driving Class
    - Cable Commission
    - Developers when presenting to neighbors
    - Legislators for informational (non-campaign) meetings, except after the filing date and before the November election of a legislative election year unless requested by a majority of the city council
    - Northeast Youth and Family Service
    - Lauderdale and Falcon Heights Lions Club
    - Roseville Rotary Club
    - Party Precinct caucuses, legislated district conventions and county conventions under the requirements of MN State Statute 202A.192
    - AARP Tax Services
    - Hobby groups or clubs that meet the following criteria:
      - Falcon Heights based (A minimum of 25% of on-going members or participants are Falcon Heights residents).
      - Non-profit
      - Open membership
      - Founded on a hobby
      - Actively reaches out to include people of different ages, especially youth, to encourage intergenerational exchanges of information
      - Encourages a community service and/or benefit component
    - Falcon Heights neighborhood or community groups whose activities are open to all and for the sole purpose of developing, fostering and strengthening neighborhood and community well-being.
  - b. Any organization that meets the above guidelines yet uses a facility more than twice a year shall be charged \$100 per year.
  - c. The organization or group cannot be a private, business, political, or religious organization.
  - d. Any organization denied free use under this policy as defined in this section may appeal to the city council.

**F. MISCELLANEOUS FEES**

<u>Item</u>	<u>Fee</u>
Agendas (City Council or Commissions) <sup>1</sup>	\$ 15.00/year
City Council Minutes <sup>1</sup>	\$ 35.00/year
Commission Minutes <sup>1</sup>	\$ 20.00/year
New Resident Handbook	\$1.00 printing fee
Single copies	\$ 0.25 + tax/page for first 100 pages
Assessment search	\$ 20.00
Maps	\$ 6.50
Open burning permit (no charge for recreational fires)	\$ 25.00
Returned Check Fee	\$ 25.00
Credit/Debitcard convenience fee	2.95% per transaction

The charges apply only when hard copies are mailed. These documents can be viewed free of charge on the website or at City Hall.

**G. FALSE ALARM FEES**

1. Fire False Alarms (at an address or property within one calendar year)

- \$ 0 for first false alarm
- \$ 175 for second false alarm
- \$ 300 for third false alarm
- \$ 400 for fourth false alarm
- \$ 500 for fifth and subsequent false alarm

2. Security False Alarms (at an address or property within one calendar year)

- \$ 0 for first false alarm
- \$ 60 for second false alarm
- \$ 100 for third false alarm
- \$ 200 for fourth false alarm
- \$ 300 for fifth false alarm
- \$ 400 for sixth false alarm
- \$ 500 for seventh and subsequent false alarm

3. Penalties and Assessment

Penalties for late payment and assessment of unpaid fees are the same as stipulated for unpaid utility fees in the city code.

**H. VEHICLE EMERGENCY RESPONSE**

The fee for emergency personnel response to accidents is \$350.00/vehicle.

**I. PARKING FEES**

<u>Item</u>	<u>Fee</u>
Application fee to designate "residential area" permit parking	\$ 200.00
Annual residential area parking permits	
First two vehicles	\$ 15.00/vehicle
Third and subsequent vehicles	\$ 25.00/vehicle

Lost permit replacement	\$ 5.00
Temporary parking permit (up to 3 weeks)	\$ 3.00/ vehicle
Temporary parking permit for 5 or more vehicles for a one-time/one-day event	\$ 25.00
Parking fine	
September 16 <sup>th</sup> - August 14 <sup>th</sup>	\$50.00/violation
August 15 <sup>th</sup> - September 15 <sup>th</sup>	\$100.00/violation

**J. SANITARY SEWER**

The sanitary sewer fee for residential units is \$37.75 per quarter plus \$0.0247784 per cubic foot of water usage during the months of November – January. For apartment units, the rate will be \$37.75/unit/quarter plus \$0.0247784 per cubic foot of water used in November. For residential units, this will serve as the maximum fee for other quarters throughout the year, but the actual amount billed may be lower depending on water usage. For commercial units, the fee is \$0.0247784 per cubic foot of water usage during each month.

**K. STORM DRAINAGE**

The fee for storm drainage is \$28.50 per quarter for residential units and \$261.58 per acre for commercial and apartment units.

**L. HYDRANT WATER**

The fee for hydrant water is 6% surcharge of the water bill.

**M. RECYCLING**

The recycling charge is ~~\$14.25~~ \$15.75 per quarter for residential units.

**N. STREET LIGHTING**

The street lighting fee is \$6.00 per quarter for residential units and \$0.02 per lineal foot frontage for commercial properties monthly.

**O. FEES FOR UNSPECIFIED REQUESTS**

A private party or public institution (hereinafter applicant) making a request to the City for approval of a project or for public assistance must cover the City's consultants' costs associated with reviewing the request. Prior to having the request considered by the City, the applicant must deposit an escrow fee in an amount that is estimated to cover the City's consultants' costs as determined by the City Administrator. If the City's consultants' costs exceed the initial escrow deposited by the applicant, an additional escrow fee will be required to cover the additional costs. The City shall use the applicant's fees to cover the City's actual consultants' costs in reviewing the request regardless of the City's action on the applicant's request. If the applicant's escrow fees exceed the City's actual consultants' costs for reviewing the request, the remaining escrow fees shall be refunded to the applicant.

**P. SNOW AND ICE REMOVAL**

Cost of abatement<sup>1</sup>.

<sup>1</sup>This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	December 4, 2024
<b>Agenda Item</b>	Policy C5
<b>Attachment(s)</b>	See below
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Community Park Playground
<b>Description</b>	<p>WSB reached out to seven playground vendors that serve Minnesota to request proposals for the Community Park playground with a deadline of 11:00 A.M. on November 26, 2024.</p> <p>Interested vendors submitted a total of eleven playground renderings.</p> <p>The Parks and Recreation Commission will review the submitted playground proposals at their December 2, 2024 meeting, narrowing the designs down to their top three selections, and making notes of any requested changes in design from the vendors. The Commission will provide the Council with their top three playground designs for their consideration before Council is asked to adopt a design as final at an upcoming December meeting.</p> <p>This is an opportunity to discuss the recommendations from the Parks and Recreation Commission (PARC). As there are hundreds of pages for the PARC to review, we are not including the designs now, but the full range of designs are available in the 12-2-24 PARC packet, which will be uploaded here:  <a href="https://www.falconheights.org/government/city-commissions/parks-and-recreation-commission">https://www.falconheights.org/government/city-commissions/parks-and-recreation-commission</a></p>
<b>Budget Impact</b>	TBD
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Playground Renderings and Parks and Recreation Commission’s Recommendations (to be handed out at the workshop)</li> </ul>
<b>Action(s) Requested</b>	The City Council is requested to review the playground designs and the recommendations provided by the Parks and Recreation Commission.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	December 4, 2024
<b>Agenda Item</b>	Policy C6
<b>Attachment</b>	
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Recording City Council Workshop Meetings
<b>Description</b>	<p><b><u>Overview</u></b>          It was requested by a council member to consider livestreaming workshop meetings to improve transparency of city decisions. Staff analyzed the region to see if filming workshops was common practice or not.</p> <p>There are eighteen cities (including Falcon Heights), one township and the County within Ramsey County. Seven of the cities and the county have elected to videotape their city council workshop meetings in addition to videotaping their regular city council meetings, while eleven cities and one township do not record their workshops.</p> <p><u>Cities that record workshop meetings:</u>          *Arden Hills          Maplewood          *Mounds View          *New Brighton          North St. Paul          Ramsey County          *Roseville (Roseville no longer has workshops)          *St. Anthony Village</p> <p><u>Cities that do NOT record workshops</u>          Blaine          *Falcon Heights          Gem Lake          *Lauderdale          *Little Canada          *North Oaks          Shoreview          Spring Lake Park          St. Paul (doesn't have work sessions but their daytime non-business meetings are not usually recorded unless there is a presentation)</p>

	<p>Vadnais Heights White Bear Lake White Bear Township</p> <p>* There are nine cities that utilize NineNorth to record and archive its municipal meetings. Of those nine communities, five cities have elected to videotape their City Council Workshop meetings in addition to regular City Council meetings. The NineNorth cities are denoted with an asterisk.</p> <p>Currently, Staff attend City Council Workshop meetings and take notes, which are then approved at a later City Council meeting and archived for the public to access on Laserfiche.</p> <p>For NineNorth recorded meetings, staff transcribe notes from the recordings rather than attend meetings to take minutes. However, as the length of workshop tends to be longer and the content is more discussion-based, staff would likely need to still attend to take minutes in person and then work to clean up the minutes later from a recording. There would also be a TBD additional cost to consider for NineNorth to record the additional workshops, but at ~15 meetings per year, staff could work with NineNorth to price it out. Staff can also explore the use of a third-party minutes company to transcribe the meetings, with Arden Hills, Little Canada, Roseville and Vadnais Heights using TimeSaver Secretarial to assist with minutes transcribing. Additionally, artificial intelligence software is available that will transcribe meeting audio to save significant time.</p> <p>One consideration for the Council could be to change the workshop process if livestreaming is requested. Staff and Council could host a workshop following each regular City Council meeting to discuss content for the upcoming meeting. It would mean longer meeting nights, but the City could consider moving to two shorter work sessions versus one longer meeting.</p> <p>This is an opportunity for the City Council to discuss whether there is support in having NineNorth also record Falcon Heights' City Council Workshop meetings at a TBD cost, and whether a change in the workshop format should be considered for the future.</p>
<b>Budget Impact</b>	TBD
<b>Attachment(s)</b>	
<b>Action(s) Requested</b>	Staff requests City Council discuss whether to videotape City Council Workshops at a to-be-determined cost.