

**Ordinance No. 2023-20**

**An Ordinance establishing a rental property registration program; requiring registration of all residential rental properties in the city; amending Chapter 5 of the Minnetonka City Code by revising the title to Chapter 5 and by adding a new section 530**

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The City of Minnetonka Ordains:

Section 1. The title of Chapter 5 of the Minnetonka City Code is amended to read as follows:

**CHAPTER 5: BUILDING, HOUSING AND CONSTRUCTION REGULATIONS**

Section 2. Chapter 5 of the Minnetonka City Code is amended by adding a new Section 530, as follows:

**SECTION 530. RENTAL PROPERTY REGISTRATION.**

**530.01. TITLE AND PURPOSE.**

1. **Title.** Sections 530.01 to 530.05 of the city code of ordinances will be known and may be referred to as the “Minnetonka rental registration ordinance.”

2. **Purpose.** It is the purpose of this section 530 to protect the public health, safety and welfare of the community at large and the residents of residential rental properties in the city of Minnetonka. It is the purpose of this section to ensure that rental housing in the city is decent, safe, and sanitary and is operated and maintained so as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community. The operation of residential rental properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible for taking such reasonable steps as are necessary to ensure that the persons who occupy such rental properties may pursue the quiet enjoyment of the normal activities of life in their surroundings that are safe, secure, sanitary, free from noise, nuisances or annoyances; and free from conditions that endanger the health or safety of persons and security of property.

3. **Scope.** This section 530 applies to any building and any dwelling unit therein, which is a residential rental property as defined herein, including accessory dwelling units, garages, storage buildings and appurtenances. This section does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, or licensed care facilities that have conditional use permits through the city, nursing homes, hotels, motels, or owner-occupied units.

**530.02. DEFINITIONS.**

For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

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The ~~stricken~~ language is deleted; the underlined language is inserted.

1. "Accessory dwelling unit" has the same meaning as the terms defined in section 300.02 of this code.
2. "Applicant" means the natural person completing the registration form required by this ordinance.
3. "Dwelling" has the same meaning as the term defined in section 300.02 of this code.
4. "Rental manager" means any natural person who has been delegated by the residential rental property owner for the day-to-day charge, care or control of a residential rental property and is able to respond in person to issues related to the residential rental property.
5. "Residential rental property" means any building or one or more portions thereof occupied or intended to be occupied for residential purposes by a residential tenant regardless of the duration of the rental period.
6. "Residential rental property owner" means any person or entity owning residential rental property within the city.
7. "Residential tenant" means a person who does not own but occupies a dwelling unit for residential purposes for payment of a fee or other compensation to the owner under a lease or contract, written or verbal.

### **530.03 RENTAL MANAGER REQUIRED.**

1. Each residential rental property owner must appoint a rental manager upon whom the city may lawfully serve notices pertaining to the administration of this or any other section of the city code or state or federal law, service of which will be as effective as if made upon such residential rental property owner.
2. The residential rental property owner may serve as the rental manager, provided all requirements of a rental manager prescribed within this section are met by the residential rental property owner.

### **530.04 REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES.**

1. **Registration required.** The residential rental property owner or rental manager must register each of its residential rental properties with the city. Registration of each residential rental property must be made on a separate form provided by the city and must include all information as required on the form.
2. **Certificate of registration.** Upon completion of the registration form, the city will issue the registrant a certificate of registration as proof of the registration. Certificates of

registration are non-transferable and must state the following: the date of issuance, the address of the residential rental property, the name of the residential rental property owner, the name(s) of the rental manager(s), and the number of dwelling units located within the residential rental property. The issuance of a certificate of registration does not indicate that the residential rental property has been or is expected to be inspected by the city.

**3. Changes in application information.** Within thirty (30) days of a transfer of ownership, a change in rental manager, a change in the number of rental units, or a change in dwelling occupancy from owner occupancy to rental tenant occupancy, the residential rental property owner must complete and submit a registration form for each and every residential rental property affected by the change.

**4. Term.** Registration is required each calendar year and may be issued on a calendar year basis prior to January 1 of each successive year. The city will annually remind rental owners or rental managers of this requirement. Registration renewal forms must be delivered to the city no later than the 15<sup>th</sup> day of December each year. Failure of the city to issue a reminder notice and/or failure of an owner (or rental property manager) to receive a reminder notice does not excuse or waive the registration required by this ordinance.

**5. Requirement for posting and notification.** Each residential property owner must provide a copy of the certificate of registration to the residential tenant of each unit in a rental property. The certificate of registration must be posted in each rental unit of a rental property with fewer than three (3) units. Buildings with four (4) or more dwelling units and a common entry must have the certification posted near the common entry. Buildings with four (4) or more units and no common entry must post the certification in a conspicuous location on the premises.

**6. Registration fees.** The fee required by section 710 of the code of city ordinances, if any, must accompany the registration form.

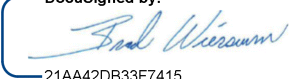
### **530.05 VIOLATIONS.**

1. It is unlawful for any person to provide false information on the required registration form.
2. It is unlawful for any person or entity to operate or cause to operate any property as a residential rental property that does not have a current certificate of registration.

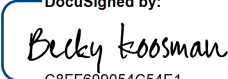
Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective 30 days after publication, but monetary or criminal penalties for violations of this ordinance will not be enforced until Jan. 1, 2025.

Adopted by the city council of the City of Minnetonka, Minnesota, on Dec. 18, 2023.

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Brad Wiersum, Mayor

Attest:

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Becky Koosman, City Clerk

**Action on this Ordinance:**

Date of introduction: Oct. 30, 2023  
Date of adoption: Dec. 18, 2023  
Motion for adoption: Schack  
Seconded by: Wilburn  
Voted in favor of: Kirk, Schack, Wilburn, Calvert, Schaeppi, Wiersum  
Voted against: None  
Abstained: None  
Absent: Coakley  
Ordinance adopted.

Date of publication: Jan. 4, 2024

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on Dec. 18, 2023.

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Becky Koosman, City Clerk