

CHAPTER 48. PROPERTY MAINTENANCE STANDARDS

Article VI. Sober House Licensing.

Section 48-141. Purpose and Intent.

It is the purpose of this Article to assure that sober housing in the City of Anoka is habitable, safe, and sanitary and is so operated and maintained as not to detract from the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community.

It is the intent of this Article to establish uniform standards that are applicable to all sober house dwellings in the City.

Section 48-142. Definitions.

The definitions contained in Article I, of this Chapter apply herein. Additionally, the following definitions shall apply in the interpretation and enforcement of this Article.

Agent. A person designated by the owner of a sober house to act on behalf of the owner.

Multiple Dwelling. A building or portion thereof containing three or more dwelling units.

Rooming House. A residence unit or any part thereof containing one or more rooming units in which space is let by the owner or operator to three or more persons.

Sober House. A building, or any part thereof, maintained as, advertised as, or held out to be housing 1) For people currently enrolled in an addiction treatment program; 2) Where the main purpose of such housing is to provide recovery support while attending a sobriety program; or 3) Where the developing of life skills and/or a safe and nurturing environment is provided to assist residents with the process of assimilation into the mainstream of life.

Section 48-143. License Required.

No person, firm or corporation shall allow the use of a sober house in the City until a license has been applied for and issued by the City of Anoka. Any sober houses existing prior to the adoption of this Article must also follow and abide by the requirements set forth in this Article. A license is not required for those entities that are licensed by State or County government agencies affording the same safeguards and protections as set forth in this article.

Section 48-144. Application for License.

Applications for a sober house license shall be made in writing to the City by the owner of the sober house dwelling unit(s) or his/her designated agent. Prior to issuance or renewal of a sober house license, the owner shall submit a completed application to the Planning Department, pay an application fee as determined by City Council, and comply with all inspection requirements.

- (a) The following persons shall be authorized to sign and submit a sober house license application.
- (1) If the owner is a natural person, by the owner thereof.
 - (2) If the owner is a corporation, by an officer thereof.
 - (3) If the owner is a partnership, by a partner thereof.

- (b) Before any license required by this Article shall be issued or renewed, the owner shall submit the following information on forms provided by the City:
- (1) Name, address and phone number of the property owner.
 - (2) Name, address and phone number of the property manager if different from the property owner.
 - (3) Name, address and phone number of the designated agent (if applicable).
 - (4) The street address and property identification number of the property.
 - (5) Description of the number of units and number of bedrooms in each unit.
 - (6) An acknowledgement that the owner or designated agent has received a copy of this ordinance.
 - (7) A management plan for the facility found to be acceptable by the City to ensure the legitimacy of the sober house.
 - (8) A floor plan showing dimensions and locations of bedrooms, common areas, kitchen, bathrooms, exits and any other rooms requested by the Property Maintenance Coordinator.

Section 48-145. Inspections of Dwellings – generally.

Upon receipt of a properly executed application for licensing and receipt of the appropriate fee, the property maintenance coordinator or his/her designee shall complete an initial inspection of the premises to determine whether the property is in compliance with this Chapter. Any sober house dwelling may be re-inspected after a renewal application or transfer of license is filed to determine compliance. The property maintenance coordinator or his/her designee shall further have the right to re-inspect the premises at any time it is deemed necessary to assure compliance with this Chapter.

- (a) The property maintenance coordinator or his/her designee shall be authorized to make or cause to be made inspections to determine the condition of dwellings, multiple dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the health, safety, morals, and welfare of the public. The property maintenance coordinator, or his/her designee, shall be authorized to enter any dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, or premises at any reasonable time for the purpose of performing his/her duties under this Article. The owner, operator, or occupant of every dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, and premises, or the person in charge thereof, shall give the property maintenance coordinator or his/her designee free access to such dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit and premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.
- (b) If the owner, operator, person in charge, or occupant shall refuse to consent to the inspection, a search warrant may be obtained.
- (c) No warrant is needed where an emergency condition exists which endangers persons or property and insufficient time is available to obtain a warrant and protect such endangered persons or property.
- (d) Entry under this Section is subject to Minnesota Statutes, Section 504B.211 (Residential

tenant's right to privacy) as amended.

Section 48-146. Agent Required.

Any property owner who does not live in the state shall appoint, on the license application, an agent residing within the State of Minnesota upon which agent the City may serve notices pertaining to the administration of this Article or any provisions of the City Code pertaining to such dwelling unit.

Section 48-147. Length and Renewal of License.

The license period shall commence upon issuance of the license. A sober house license shall be issued for a period of one (1) year.

Section 48-148. Transfer of License.

A sober house license is transferable to any person who has actually acquired legal ownership of a licensed building for the unexpired portion of the term for which it was issued or reissued; provided, that the application to transfer such registration is filed with the City within thirty (30) days of closing and the transferee is not disqualified from holding a license due to prior revocation, suspension, or denial of a sober house license. The sober house license shall terminate upon failure to apply for its transfer within thirty (30) days of closing.

Section 48-149. License Suspension, Revocation, Denial and Non-Renewal.

- (a) The City Council may revoke, suspend, deny or decline to renew any sober house license issued under this Article upon any of the following grounds:
 - (1) False statements on any application or other information or report required by this Article to be given by the applicant or licensee.
 - (2) Failure to pay any license or reinstatement fee required by this Article.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Any other violation of the property maintenance, zoning, environmental, and utility chapters of City Code.
- (b) No action will be taken by the City Council to revoke, suspend, deny, or decline renewal of a sober house license without a public hearing and written notice of that hearing is sent to the property owner, agent, and affected tenants a minimum of ten days prior to the hearing.
- (c) The Council shall give due regard to the frequency and seriousness of the 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 revoke, suspend, deny, or decline renewal of a license only upon written findings.
- (d) The Council may revoke, suspend, deny or decline renewal of a license for part or all of a facility.
- (e) Upon a decision to revoke, suspend, deny or decline renewal of a license, no new application for the same facility will be accepted for a period of time as specified in the Council's written decision, which time shall not exceed one year. All new applications shall be accompanied by a reinstatement fee as required by this Article.

- (f) A written decision to revoke, suspend, deny or decline renewal of 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 units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this Article 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, denial or non-renewal is a misdemeanor and grounds for an extension of the term of such revocation, suspension, or non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, denial or non-renewal specified in the City Council's written decision or in paragraph (e) of this Section.

Section 48-150. Display of License.

Licenses issued under this Article must be displayed on the premises of sober house dwellings. All property owners must produce a copy of the sober house license upon demand of a prospective tenant or City official.

Section 48-151. Fees.

Sober house license fees and reinstatement fees are to be determined by the City Council.

Section 48-152. No Retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant who, by reason of good faith, calls city officials related to public safety or property maintenance concerns. This Section shall not prohibit the eviction of tenants from a sober house dwelling for unlawful conduct of a tenant or invitee for violations of any rules, regulations, or lease terms other than a prohibition against contacting city officials.

Section 48-153. Summary Action.

When the conduct of any license holder or their agent, representative, employee or lessee or the condition of their dwelling 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 City shall have the authority to summarily condemn or post for no occupancy such area of the rental dwelling.

Section 48-154. Severability Clause.

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article.

Section 48-155. Violations and Penalties.

Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

Sections 48-156 through 48-175. Reserved.