

## CHAPTER 69A: TENANT CONDUCT

### Section

#### 69A.01 Conduct on licensed premises

#### **§ 69A.01 CONDUCT ON LICENSED PREMISES.**

(A) Rental license holder or agent shall be responsible to cause persons occupying the dwelling unit to conduct themselves in such a manner as to not cause the premises to be disorderly, in violation of City Ordinances and/or State statutes, and/or used in connection with the illegal sale and/or distribution of controlled substances and/or alcoholic beverages.

(B) Law enforcement shall be charged with the responsibility of enforcing paragraph A.

(C) Upon determination by law enforcement that the licensed premises were used in a disorderly and/or illegal manner, the City shall notify the license holder by regular mail of such violation and direct the license holder to take steps to prevent further violations.

(D) If another instance of disorderly and/or illegal use of the premises occurs within twelve (12) months of an incident for which notice in paragraph C of this subdivision was given, the license holder shall be notified of the instance of disorderly use and shall also be required to develop a written plan of action to reasonably ensure that future incidents will not occur at the premises, which plan shall be submitted to the City Council within thirty (30) days from the date of the City notice.

(E) If another instance of disorderly and/or illegal use of the premises occurs within twelve (12) months after receipt of notices as pursuant to paragraph C and D, the dwelling unit rental license may be revoked or suspended for such dwelling unit. Such suspension or revocation may be for all units in a given building or complex of buildings. If the notice of violation has been with respect to a common area of a building or complex of buildings, then the license as to all units in such building or complex of buildings may be suspended or revoked. Upon suspension or revocation, a license holder shall pay to the City a reinstatement fee equal to one hundred dollars (\$100.00) for the first unit re-licensed, and twenty dollars (\$20.00) for each additional unit. A suspension may be stayed subject to payment of the applicable reinstatement fees and no further violation of this section for a period of one (1) year.

(F) No suspension or revocation shall be imposed where the instance of disorderly or illegal use of the premises occurred during the tendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the license holder to a tenant to vacate the premises where the disorderly use was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions, however, unless they are diligently pursued by the license holder.

(G) All written leases for licensed premises executed after August 1, 1996, shall contain a clause providing that conduct which would be violating paragraph A shall constitute a material breach of the lease and grounds for termination of such lease.

(H) It shall be irrelevant to proceedings hereunder that the license holder or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation.