



Council Conference Meeting

January 22, 2024

5:30 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

- [1.](#) Recodification Update
- [2.](#) Emergency Operations Plan Update
- [3.](#) Locke Park Intergovernmental Relations Discussion

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: January 22, 2024

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Recodification Update

Background

Pursuant to Minnesota Statute (M.S.) § 415.02 and Fridley City Charter (Charter) § 1.02, the Fridley City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code). Recodification of the Code was authorized by the Council by Resolution No. 2021-67.

At this time staff are prepared to present the Council with drafts of several chapters planned for Title 5, Lands and Buildings:

- Building Code - updates are recommended and are explained in the attached Recodification Report.
- Erosion Control and Stormwater Management – The recommendation of staff is to repeal two chapters of the Code: Chapter 208 (Stormwater Management and Erosion Control) and Chapter 224 (Stormwater Illicit Discharge Detection and Elimination) and replace them with this new chapter. The Erosion Control and Stormwater Management Chapter regulates land disturbing activities, protects the quality of stormwater runoff, and provides the framework for the City's land alteration (grading) permit and enforcement of the illicit discharge program. The proposed changes clarify the trigger for a grading permit and the standards that must be followed during/post-construction. As part of the revisions, technical information was updated to reflect modern best practices and placed in a separate policy document for easier review by permit applicants. More detailed information regarding wetland impacts was included to facilitate the future repeal of the Wetland Overlay District chapter. Additionally, language was added to the Code requiring a maintenance agreement for new stormwater infrastructure completed for large projects and to provide the City the ability to remediate infrastructure not being maintained to the standards of this agreement.
- Hazardous Waste Control - recommended for repeal. Staff from Community Development, Public Works and the Fire Division collaborated on this Chapter and all agree it would be appropriate for the City to repeal. Regulatory authority the City may need to respond to an event where hazardous waste is involved is granted by State and federal law. Maddison Zikmund, Fire Chief, does plan to put forward an ordinance in the future that would address hazardous waste storage.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

- Mining - recommended for repeal. Staff from Community Development and Public Works reviewed the Chapter and agree it is obsolete.
- Residential Rental Property Maintenance and Licensing - updates are recommended and are explained in the attached Recodification Report.
- Signs - updates are recommended and are explained in the attached Recodification Report.
- Swimming Pools – staff recommend the current chapter be repealed and replaced. The updated chapter was written by the City’s Building Official and it incorporates up to date requirements from the State Building Code.

Depending on direction given from the Council, an anticipated timeline for the approval of Title 5 could be:

- February 12: Council resolution to call for a public hearing on Title 5 on February 26
- February 26: Council will conduct a public hearing and first reading of an ordinance to create Title 5 and update the chapters contained therein
- March 11: Council will conduct a second reading and adoption of an ordinance to create Title 5 and update the chapters contained therein
- March 14: Summary Ordinance is published in the City’s Official Publication
- April 13: Title 5 and the chapters contained therein become effective pursuant to the Charter.

Attachments and Other Resources

- Building Code and Recodification Report
- Erosion Control (to be repealed)
- Stormwater Illicit Discharge Detection and Elimination (to be repealed)
- Erosion Control and Stormwater Management
- Hazardous Waste Control
- Mining
- Residential Rental Property Maintenance and Licensing and Recodification Report
- Signs and Recodification Report
- Swimming Pools (to be repealed)
- Residential Swimming Pools

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley City Code
Chapter ~~206~~TBD. Building Code

XX.01 Purpose

This Chapter of the Fridley City Code (Code) establishes minimum building and construction requirements to safeguard the health, safety and welfare of properties and property owners within the City of Fridley (City).

XX.02 Definitions

Building Official: designation by the Council to a City employee who is granted administrative authority for Code administration. The City's Building Official must be certified pursuant to Minnesota Statute (M.S.) § 326B.133 and hold experience in design, construction and supervision related to building construction requirements.

State Building Code: standards applied statewide for the construction, reconstruction, alteration and repair of buildings and other structures. The State Building Code governs the construction, reconstruction, alteration, repair, and use of buildings and other structures. The State Building Code provides basic and uniform performance standards, establishes reasonable safeguards for health, safety, welfare, comfort, and security of residents and provides for the use of modern methods, devices, materials, and techniques.

206.01.TBD.03 Building Code Adoption of State Law

~~1. Codes Adopted by Reference. Pursuant to M.S. 326B, the City hereby adopts the Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules, and regulations established therein, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Chapter ordinance. The Minnesota State Building Code is hereby incorporated in this Chapter ordinance as if fully set out herein.~~

~~2. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 326B.121, Subd.2(d), when so established by this ordinance.~~

~~2. The code enforcement agency authority of the City is municipality is called the City of Fridley Building Code Enforcement Office designated to the City's Building Official. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.~~

~~3. Permits and Fees. The issuance of building permits and the collection of fees shall be as is authorized in Minnesota Rules Chapter 1300. Permit fees shall will be assessed for work~~

governed by this ~~Chapter~~code in accordance with the fee schedule adopted by the municipality in ~~City Code Chapter 11~~. In addition, a surcharge fee ~~shall~~will be collected on all permits issued for work governed by this ~~Chapter~~code in accordance with ~~Minnesota Statutes M.S. § 326B.148~~.

4. ~~Violations and Penalties~~. A violation of the ~~code~~Code is a misdemeanor pursuant to ~~Minnesota Statutes M.S. § 326B.082, Subd.16~~.

5. ~~Building Code Optional Chapters~~. ~~The~~ Minnesota State Building Code, ~~Chapter 1300~~ allows the City to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. Chapter 1306, Special Fire Protection Systems is hereby adopted by the City and incorporated as part of the Code.

~~The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for the City:~~

~~1. Chapter 1306, Special Fire Protection Systems~~

~~206.02.TBD.04 Conflicts~~

~~In the event of any conflict between the provisions of this Code adopted by the provisions of this Chapter and applicable provisions of State law, rules or regulations, the latter shall more restrictive will prevail.~~

~~206.03.TBD.05 Building Permits and Fees~~

1. Building Permits must be obtained by every person engaging in the following businesses or work in accordance with the applicable provisions of the Code:

(a) General contractors in the business of nonresidential building construction and residential contractors with an exempt card from the State.

(b) Masonry and brick work.

(c) Roofing.

(d) Plastering, stucco work, or sheetrock taping.

(e) Heating, ventilation, and refrigeration.

(f) Gas piping, gas services, or gas equipment installation.

(g) Oil heating and piping work.

(h) Excavations, including excavation for footings, basements, sewer, and water line installations.

(i) Wrecking of buildings.

(j) Sign erection, construction, and repair, including billboards and electrical signs.

(k) Blacktopping and asphalt work.

(l) Chimney sweeps.

(m) Sanitary Sewer Service Cleaners.

~~1.2. The issuance of permits Building Permits, and collection of fees shall be as authorized in by Minnesota Statute 16B.62 subdivision 1.M.S. § 326B.121.~~

~~2. Violations and Penalties. A violation of the code is a misdemeanor, (Minnesota Statute 16B.69) and Minnesota Rules Chapter 1300.~~

~~3. The fee schedules shall be as follows:~~

~~A. Plan Review Fees.~~

~~(1) — 3. When a plan or other data are submitted for review, the plan review fee shall be 65% of the building permit Building Permit fee.~~

~~(2) — 4. Where plans are incorporated or changed so as to require additional plan review, an additional plan review fee shall may be charged.~~

~~(3) — 5. Applications for which no permit Building Permit is issued within 180 days following the date of application shall expire by limitation and any plans and other data submitted for review may thereafter be returned or destroyed. The Building Official may extend the time for action upon request of by the applicant once for a period not exceeding 180 days, upon request by the applicant.~~

~~6. Permit and Plan Review Refund Policy. The Building Official may authorize the refunding of any fee hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80% of the permit Building Permit fee paid when no work has been done under a permit Building Permit issued in accordance with this code Code. The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit Building Permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Building Official shall may not authorize refunding of any fee paid except on written applications filed by the original permittee not later than 180 days after the date of the fee payment. (Ref 1190)~~

7. Any building contractor applying for a Building Permit to work in the City must comply with the provisions of the Code, submit evidence of holding public liability insurance of at least \$500,000 per occurrence, certificates of workers' compensation insurance as required by State Law and if applicable, list a Minnesota State Tax Identification number.

8. A Building Permit granted to a general contractor under this Section will include the right to perform all of the work included in the general contract. Such license must include any or all of the persons performing the work which is classified and listed in this Code, providing that each person performing such work is in the regular employ and qualified under State law and the provisions of this Code to perform such work. In these cases, the general contractor will be responsible for all of the work so performed. Subcontractors on any work must be required to comply with the Sections of this Code pertaining to all requirements for their work.

9. The City has the power to suspend or revoke the Building Permit of any person under the regulations of this Chapter whose work is found to be improper or defective or so unsafe as to jeopardize life or property.

10. When a Building Permit issued under this Chapter is suspended, the period of suspension will be no less than 30 days and no more than one year.

11. When any person holding a Building Permit has violated the provisions of this Code a second time within one calendar year, the Building Official will revoke the Building Permit issued. Such person may not apply for a new license for a period of one calendar year following the revocation.

12. The owner of any single-family property may obtain a Building Permit and perform work on property which the owner occupies so long as the work is in accordance with the Code.

13. All licensed rental properties in the City must obtain a Building Permit for any work on property which the rental license holder owns.

14. Assumption of Liability. This Section shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing the above-described work for damages to persons or property caused by any defect therein. The City may not be held liable by reason of the permitted persons, firms or, corporations engaged in such work.

B. Building Permit Fees. (Ref. 901)

TOTAL VALUATION	FEE
\$1.00 TO \$500	\$23.50
\$501 TO \$2000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2000 plus \$14 for each additional \$100 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional

	\$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof.

Other Inspections and Fees:

Inspections outside of normal business hours (minimum charge – two hours)	\$50 per hour
Re-inspection fees assessed under provisions of Section 108	\$50 per hour
Inspections for which no fee is specifically indicated (minimum charge – one half hour)	\$50 per hour
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge – one half hour) *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 employee involved.	\$50 per hour
For use of outside consultants for plan checking and inspections, or both	Actual Costs which include administrative and overhead costs
Residential Mobile Home Installation	\$100
Surcharge on Residential Building Permits.	A surcharge of \$5 shall be added to the permit fee charged for each residential building permit that requires a state licensed residential contract.

C. ~~Plumbing Permit Fees:~~

Fixture	FEE
Minimum Fee per MN Statute 16B.60, Subd. 3	\$15 or 5% of cost of improvement, whichever is greater
Each fixture	\$10
Old opening, new fixture	\$10
Beer Dispenser	\$10
Blow Off Basin	\$10
Catch Basin	\$10
Rain Water Leader	\$10
Sump or Receiving Tank	\$10
Water Treating Appliance	\$35
Water Heater Electric	\$35
Water Heater Gas	\$35
Backflow Preventer	\$15

OTHER	Commercial 1.25% of value of fixture or appliance
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Other Inspections and Fees:

Inspections outside of normal business hours (minimum charge – two hours)	\$50 per hour
Re-inspection fees assessed under provisions of Section 108	\$50 per hour
Inspections for which no fee is specifically indicated (minimum charge – one half hour)	\$50 per hour
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge – one half hour)	\$50 per hour
*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.	
For use of outside consultants for plan checking and inspections, or both	Actual Cost including administrative and overhead costs

D.—Mechanical Permit Fees.

FEE

(1) Residential minimum fee per MN Statute 16B.60, Subd. 3	\$15 or 5% of cost of improvement, whichever is greater
—Furnace	\$35
—Gas Range	\$10
—Gas Piping	\$10
—Air Conditioning	\$25
—OTHER	1% of value of appliance
(2) Commercial minimum fee	\$35
—All work	1.25% of value of appliance

Other Inspections and Fees:

Inspections outside of normal business hours (minimum charge – two hours)	\$50 per hour
Re-inspection fees assessed under provisions of Section 108	\$50 per hour
Inspections for which no fee is specifically indicated (minimum charge – one half hour)	\$50 per hour
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge – one half hour)	\$50 per hour
*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.	
For use of outside consultants for plan checking and inspections, or both	Actual Cost including administrative and overhead costs

E. Electrical Permit Fees.

(1) Property Owner Electrical Inspection Fees

New Home or Associated Structure	
New Dwelling Service/Power Supply	0-400 ampere \$35 401-800 ampere \$60
New Dwelling Feeders/Circuits	Up to 30 Feeders/Circuits \$100 More than 30 Feeders/Circuits or up to 200(in addition to the above) \$6 each
Detached Garage or Other Associated Structure	
New Service/Power Supply	0-400 ampere \$35
New Feeders/Circuits	\$6 each Total (the fee calculated above or \$35 multiplied by the number of required inspection trips, whichever is greater)
Existing Home/Structure Remodel or Addition	
New Service/Power Supply	0-400 ampere \$35 401-800 ampere \$60
New Feeders/Circuits	Up to 15 Feeders/Circuits \$6 Each 16-30 Feeders/Circuits \$100 More than 30 Feeders/Circuits up to 200 \$6
Reconnected Feeders/Circuits	Each Feeders/Circuits \$2 Each
Existing Detached Garage or other Associate Structure	
New Service/Power Supply	0-400 ampere \$35
New Feeders/Circuits	\$6 Each
Reconnected Feeders/Circuits	\$2 Each Total (the fee calculated above or \$35 multiplied by the number of required inspection trips, whichever is greater)

(2) Contractor Electrical Inspection Fee for Single Family Dwelling/Associated Structure

New Home or Associated Structure	
New Dwelling Service/Power Supply	0-400 ampere \$35 401-800 ampere \$60
New Dwelling Feeders/Circuits	Up to 30 Feeders/Circuits \$100 More than 30 up to 200 (in addition to the above) \$6 each
Detached Garage or Other Associated Structure	
New Service/Power Supply	0-400 ampere \$35

New Feeders/Circuits	\$6 each Total (the fee calculated above or \$35 multiplied by the number of required inspection trips, whichever is greater)
Existing Home/Structure Remodel or Addition	
New Service/Power Supply	0-400 ampere \$35 401-800 ampere \$60
New Feeders/Circuits	Up to 15 Feeders/Circuits \$6 Each 16-30 Feeders/Circuits \$100 More than 30 Feeders/Circuits up to 200 \$6 Each
Reconnected Feeders/Circuits	Feeders/Circuits \$2 Each
Existing Detached Garage or other Associate Structure	
New Service/Power Supply	0-400 ampere \$35
New Feeders/Circuits	\$6 Each
Reconnected Feeders/Circuits	\$2 Each Total (the fee calculated above or \$35 multiplied by the number of required inspection trips, whichever is greater)

~~(3) Contractor Electrical Inspection Fee for Multi-Family Dwelling/Commercial Structure~~

Service/Power Supply	0-400 ampere \$35 401-800 ampere \$60 Above 800 ampere \$100
Feeders/Circuits	Up to 200 A \$6 Each Above 200 A \$15 Each
Reconnected Feeders/Circuits	\$2 Each
Manufactured Home Park Lot Supply	\$35 Each
Recreational Vehicle Site Supply Equipment	\$6 Each (for circuits originating in the Equipment)
Street, Parking Lot, Lighting Standard	\$5 Each
Transformers	Up to 10 kva \$15 Each Over 10 kva \$30 Each
Electric Signs and Outline Lighting -Transformer/power supply	\$5 Each
Technology System Devices	75¢ Each
Separate Bonding Inspections for Swimming Pools and Equipotential Planes	\$35 Each
Center Pivot Irrigation Booms -Electrical Drive Unit	\$35 Each \$5 Each
Luminaire Retrofit Modifications	25¢ Each
Concrete-Encased Electrode	\$35 Each

Inspection	
Investigative Fee	\$70 OR Total inspection fee, whichever is greater up to \$1,000
Special Inspection fee	\$80 Per Hour Plus the number of miles at the current IRS mileage rate
Over 600 Volts	Add the combined service/power supply and feeder/circuit fee to result in double the regular fee (does not apply to electric sign and outline lighting)
New Multi-Family Dwellings Feeders/Circuits	Up to 20, \$70 Each Above over 20 as allowed per unit, \$6 Each
Total	The fee calculated above or \$35 multiplied by the number of required inspection trips, whichever is greater)

F. ~~Moving of Dwelling or Building Fee.~~

~~The permit fee for the moving of a dwelling or building shall be in accordance with the following schedule:~~

For Principle Building into City	\$300
For Accessory Building into City	\$42
For moving any building out of City	\$20
For moving through or with_in the City	\$20

G. ~~Wrecking Permit Fee.~~

- ~~(1) For any permit for the wrecking of any building or portion thereof, the fee charged for each such building included in such permit shall be based on the cubical contents thereof and shall be at the rate of one dollar and twenty five cents (\$1.25) for each one thousand (1000) cubic feet or fraction thereof.~~
- ~~(2) For structures which would be impractical to cube, the wrecking permit fee shall be based on the total cost of wrecking such structure at the rate of six dollars (\$6.00) for each five hundred dollars (\$500.00) or fraction thereof.~~
- ~~(3) In no case shall the fee charged for any wrecking permit be less than twenty dollars (\$20.00).~~

H. ~~Water and Sewer Fees.~~

Hydrant Rental Agreement — Service Charge —(for use of hydrant only — City does not supply hose	\$50
Water Usage — Metered —Minimum	\$1.30/1000 gallons used \$20

Tanker	\$20 per fill
Water Taps	See Engineering
Permanent Street Patch —First 5 sq. yds. —Over 5 sq. yds.	\$300 \$30 per sq. yd.
Temporary Street Patch (Nov 1 through May1) —First 5 sq. yd. —Over 5 sq. yds.	\$400 \$40 per sq. yd. plus cost of permanent street patch
Water Meter Repair — Weekend & Holidays	\$125
Water Connections Permit	\$50
Sewer Connections Permit	\$50
Inspection Fee for Water/Sewer Line Repair	\$40

I. Land Alterations, Excavating, or Grading Fees including Conservation Plan Implementation Fees.

50 cubic yards or less	\$40
51 to 100 cubic yards	\$47.50
101 to 1,000 cubic yards	\$47.50 for the first 100 cubic yards plus \$10.50 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$167 for the first 1,000 cubic yards plus \$9 for each additional 1,000 cubic yards or fraction thereof
10,001 to 100,000 cubic yards	\$273 for the first 10,000 cubic yards plus \$40.50 for each additional 10,000 cubic yards or fraction thereof
100,001 cubic yards or more	\$662.50 for the first 100,000 cubic yards plus \$22.50 for each additional 100,000 cubic yards or fraction thereof

Land Alteration Plan-Checking Fees:

50 cubic yards or less	No Fee
51 to 100 cubic yards	\$23.50
101 to 1,000 cubic yards	\$37
1,001 to 10,000 cubic yards	\$49.25
10,001 to 100,000 cubic yards	\$49.25 for the first 10,000 cubic yards plus \$24.50 for each additional 10,000 cubic yards or fraction thereof
100,001 to 200,000 cubic yards	\$269.75 for the first 100,000 cubic yards plus \$13.25 for each additional 10,000 cubic yards or fraction thereof
200,001 cubic yards or more	\$402.25 for the first 200,000 cubic yards plus \$7.25 for each additional 10,000 cubic yards or fraction thereof

J. Pollution Monitoring Registration Fee.

- (1) ~~Each pollution monitoring location shall require a site map, description and length of monitoring time requested. (For matter of definition pollution monitoring location shall mean each individual tax parcel.) There shall be an initial application and plan check fee of Twenty-Five Dollars (\$25).~~
- (2) ~~The applicant for a Pollution Control Registration shall provide the City with a hold harmless statement for any damages or claims made to the City regarding location, construction, or contaminates.~~
- (3) ~~An initial registration fee of Fifty Dollars (\$50) is due and payable to the City of Fridley at or before commencement of the installation.~~
- (4) ~~An annual renewal registration fee of Fifty Dollars (\$50) and annual monitoring activity reports for all individual locations must be made on or before September first of each year. If renewal is not filed on or before October first of each year the applicant must pay double the fee.~~
- (5) ~~A final pollution monitoring activity report must be submitted to the City within (30) days of termination of monitoring activity.~~

~~206.04.TBD.06~~ Investigations Fees

~~Should any person begin work of any kind such as hereinbefore set forth, or for which a permit from the Building Code Department Building Official is required by this Chapter without having secured the necessary permit therefore from the Building Code Department either previous to or during the day where such work is commenced, or on the next succeeding business day when work is commenced on a Saturday, Sunday or a holiday, they shall such person must immediately apply for a permit to perform the work, and will when subsequently securing such permit, be required to pay an investigation fee equal to the permit Building Permit fee and shall will be subject to all the penal provisions of said Code. penalties allowed.~~

~~206.05.TBD.07~~ Reinspections Fee

1. A reinspection fee of ~~fifty dollars (\$50.00) per hour shall will~~ be assessed for each inspection or reinspection when ~~such portion of work for which the inspection is called for is not complete the inspector determines the work to be inspected is incomplete or when corrections called for given during a previous inspection are not made.~~
2. This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.
3. Reinspection fees may also be assessed when the ~~permit Building Permit~~ card is not properly posted on the work site, or the approved plans are not readily available for the inspection, or for failure to provide access on the date and time for which inspection is requested, or for

deviating from plans ~~requiring previously approved by~~ the approval of the Building Official.

4. Where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

~~206.06.TBD.08~~ Certificate of Occupancy

1. Except for single family residential structures, a Certificate of Occupancy stating that all provisions of this Chapter have been fully complied with, ~~shall~~ must be obtained from the City:

(a) ~~Before any structure for which a building permit is required is used or occupied. A~~ temporary Certificate of Occupancy may be issued when the building is approved for occupancy but the outside development is partially uncompleted.

(b) ~~Or~~ Before any nonconforming use is improved or enlarged.

2. Application for a Certificate of Occupancy ~~shall~~ must be made to the City when the structure or use is ready for occupancy, ~~and The City will inspect the structure or use within ten (10) days~~ days of the application. thereafter the City shall inspect such structure or use and if the structure or use is found to be in conformity with all provisions of this Chapter, the City shall will sign and issue a Certificate of Occupancy.

~~3. A Certificate of Compliance shall be issued to all existing legal nonconforming and conforming uses which do not have a Certificate of Occupancy after all public health, safety, convenience, and general welfare conditions of the City Code are in compliance.~~

~~43. No permit-Building Permit~~ or license required by the City of Fridley or other governmental agency ~~shall~~ may be issued by any department official or employee of the City of such governmental agency, unless the application for such ~~permit-Building Permit~~ or license is accompanied by proof of the issuance of a Certificate of Occupancy or Certificate of Compliance.

~~54.~~ Change in Occupancy:

(a) The City ~~will~~ must be notified of any change in ownership or occupancy at the time ~~this~~ the change occurs for all industrial and commercial structures within the City.

(b) A new Certificate of Occupancy or Compliance will be issued after notification. A ~~thirty-five dollar (\$35.00)~~ fee will be assessed for this certificate.

~~65.~~ Existing Structure or Use:

(a) In the case of a structure or use established, altered, enlarged, or moved, upon the issuance and receipt of a Special Use Permit, a Certificate of Occupancy ~~shall~~ may be issued only if all the conditions ~~thereof shall have been~~ of the Building Permit is satisfied.

(b) Whenever an inspection of an existing structure or use is required for issuance of a new

Certificate of Occupancy, a ~~thirty-five dollar (\$35.00)~~ fee will be charged. If it is found that such structure or use does not conform to the applicable requirements, the structure or use shall not be occupied until ~~such time as the structure or use is again brought into compliance with such~~ all requirements.

206.07. Contractor's License

1. ~~It is deemed in the interest of the public and the residents of the City of Fridley that the work involved in building alteration and construction and the installation of various appliances and service facilities in and for said buildings be done only by individuals, firms and corporations that have demonstrated or submitted evidence of their competency to perform such work in accordance with the applicable codes of the City of Fridley.~~
2. ~~The permits which the Building Inspector is authorized to issue under this Code shall be issued only to individuals, firms or corporations holding a license issued by the City for work to be performed under the permit, except as hereinafter noted.~~
3. ~~Requirements. Application for license shall be made to the Building Code Department and such license shall be issued upon proof of the applicant's qualifications thereof, willingness to comply with the provisions of the City Code, filing of certificates evidencing the holding of public liability insurance in the limits of \$50,000 per person, \$100,000 per accident for bodily injury, and \$25,000 for property damages and certificates of Worker's Compensation insurance as required by State law and if applicable, list a Minnesota State Tax Identification number. (Ref. 901, 1324)~~
4. ~~Fee. The fee for each license required by the provision of this Section shall be thirty-five dollars (\$35.00) per year.~~
5. ~~Expiration.~~
~~All licenses issued under the provisions of this Section shall expire on April 30th, following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration then all rights granted by such license shall cease and any work performed after the expiration of the license shall be in violation of this Code.~~
6. ~~Renewal.~~
~~Persons renewing their license issued under this Section after the expiration date shall be charged the full annual license fee. No prorated license fee shall be allowed.~~
7. ~~Specific Trades Licensed.~~
~~Licenses shall be obtained by every person engaging in the following businesses or work in accordance with the applicable Chapters of the City of Fridley.~~
 - A. ~~General contractors in the business of nonresidential building construction and residential contractors with an exempt card from the State.~~
 - B. ~~Masonry and brick work.~~

- C.—Roofing.
- D.—Plastering, stucco work, sheetrock taping.
- E.—Heating, ventilation and refrigeration.
- F.—Gas piping, gas services, gas equipment installation.
- G.—Oil heating and piping work.
- H.—Excavations, including excavation for footings, basements, sewer and water line installations.
- I.—Wrecking of buildings.
- J.—Sign erection, construction and repair, including billboards and electrical signs.
- K.—Blacktopping and asphalt work.
- L.—Chimney sweeps.
- M.—Sanitary Sewer Service Cleaners.

8.—Employees and Subcontractors.

A license granted to a general contractor under this Section shall include the right to perform all of the work included in the general contract. Such license shall include any or all of the persons performing the work which is classified and listed in this Code providing that each person performing such work is in the regular employ and qualified under State law and the provisions of this Building Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to license, insurance, permit, etc., for their particular type of work.

9.—Suspension and Revocation Generally.

The City Council shall have the power to suspend or revoke the license of any person licensed under the regulations of this Section, whose work is found to be improper or defective or so unsafe as to jeopardize life or property providing the person holding such license is given twenty (20) days notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the legal address of the licensee and they fail or refuse to appear at the said hearing, their license will be automatically suspended or revoked five (5) days after date of hearing.

10.—Time of Suspension.

When a license issued under this Section is suspended, the period of suspension shall be not less than thirty (30) days nor more than one (1) year, such period being determined by the City Council.

11.—Revocation, Reinstatement.

When any person holding a license as provided herein has been convicted for the second time by a court of law for violation of any of the provisions of this Code, the City Council shall revoke the license of the person so convicted. Such person may not make application for a new license for a period of one (1) year.

12.—Permit to Homeowner.

The owner of any single family property may perform work on property which the owner occupies so long as the work when performed is in accordance with the Codes of the City and

for such purpose a permit may be granted to such owner without a license obtained.
All rental property permits shall be obtained by licensed contractors.

~~13. State Licensed Contractor's Excepted.~~

~~Those persons who possess valid State licenses issued by the State of Minnesota shall not be required to obtain a license from the City; they shall, however be required to file proof of the existence of a valid State license together with proof of satisfactory Worker's Compensation and Public Liability insurance coverage. (Ref. 901)~~

~~14. Public Service Corporations Excepted.~~

~~Public service corporations shall not be required to obtain licenses for work upon or in connection with their own property except as may be provided by other Chapters.~~

~~15. Manufacturers Excepted.~~

~~Manufacturers shall not be required to obtain licenses for work incorporated within equipment as part of manufacturing except as may be provided by other Sections of this Code.~~

~~16. Assumption of Liability.~~

~~This Section shall not be construed to affect the responsibility or liability of any party owning, operating, controlling or installing the above described work for damages to persons or property caused by any defect therein; nor shall the City of Fridley be held as assuming any such liability by reason of the licensing of persons, firms or corporations engaged in such work.~~

~~206.08.TBD.09~~ Utility Excavations (Sewer and Water)

1. ~~Permit Required.~~ Before~~Prior to performing any work is performed which that~~ includes cutting a curb or excavation on or under any street or curbing, a contractor or individual workers must apply for and obtain a permit shall be applied for from the City and shall pay a permit fee as provided in Chapter 11. The Public Works Department shall must verify the location of the watermain and sanitary sewer connections before any excavation or grading is shall be permitted on the premises building site. The permit shall must specify the location, width, length, and depth of the necessary excavation. It shall must further state the specifications and condition of public facility restoration. Such specifications shall must require the public facilities to be restored to at least as good a condition as they were prior to commencement of work. Concrete curb and gutter or any similar street patching shall be constructed and inspected by the City, unless specified otherwise.

2. ~~Deposit~~Performance Bond Required.

(a) Where plans and specifications indicate that proposed work includes connection to sanitary sewer, a watermain, a curb cut, or any other disruption that may cause damage to the facilities of the City, the application for permit shall must be accompanied by a two hundred dollar (\$200.00) cash deposit performance bond for the value of work within the City Right-of-Way as a guarantee that all restoration work will be completed and City facilities left in an undamaged condition.

~~(b) The requirement of a cash deposit shall will not apply to any public utility corporation franchised to do business within the City.~~

~~3. Maximum Deposit. No person shall may be required to have more than four hundred dollars (\$400.00) on deposit with the City at any one time by reason of this Section; provided that such deposit shall be is subjected to compliance with all the requirements of this Section for as to all building permits issued to such person prior to the deposit being refunded.~~

4. Inspections.

~~(a) The City must be notified to review the conditions of construction prior to Before any backfilling is done in an excavation otherwise approved under this division, the City shall be notified for a review of the conditions of construction.~~

~~(b) During and after restoration the City Engineer or a designated agent Public Works Director or their designee shall must inspect the work to assure compliance.~~

~~5. Return of Deposit Performance Bond. The Public Works Director shall will authorize a refundment of the deposit bond when restoration has been completed to their satisfaction or compliance with this Section.~~

~~6. Forfeiture of Deposit Performance Bond. Any person who fails to complete any of the requirements outlined in this Section shall will forfeit to the City such a portion of the deposit bond as is necessary to pay for completing the unfinished having such work done.~~

~~206.09.TBD.10~~ Building Site Requirements

~~1. General. In addition to the provisions of this Section, all building site requirements of in the City's Zoning Code, Chapter 205 and any additions must shall be followed in order for before a building permit to may be issued.~~

~~2. Utilities and Street Required. No building permit shall will be issued for any new construction unless and until all utilities are installed in the public street adjacent to the parcel of land to be improved and the rough grading of the adjacent street has been completed to the extent that adequate street access to the parcel is available.~~

~~3. Manufactured Home Prohibitions. Except in a manufactured home or manufactured home park, the removal of wheels from any manufactured home or the remodeling of a manufactured home through the construction of a foundation or the enclosure of the space between the base of the manufactured home and the ground, or through the construction of additions to provide extra floor space will not be considered as conforming with the City's Building Code in any respect and will therefore be is prohibited.~~

~~4. Equipment and Material Storage. No construction equipment and/or materials pertaining to construction shall may be stored on any property within the City without a valid building permit. When construction is completed and a Certificate of Occupancy has been issued, any~~

construction equipment or materials must be removed within ~~thirty (30)~~ days from the issuance date on the Certificate of Occupancy.

5. Construction Work Hours. It ~~shall be~~ unlawful for any person or company acting as a contractor ~~for payment,~~ to engage in the construction of any building, structure, or utility, including but not limited to, the making of any excavation, clearing of surface land, and loading or unloading materials, equipment or supplies, anywhere in the City ~~except between the hours of before 7:00 a.m. and after 9:00 p.m., Monday through Friday and before~~ between the hours of 9:00 a.m. and after 9:00 p.m. on Saturdays. ~~However, such activity shall be lawful if an alternate hour's work permit therefore has been issued by the City upon application in accordance with requirements of the paragraph below.~~ It shall ~~be~~ unlawful to engage in such work or activity on Sunday or any legal holiday ~~unless an alternate hour's work permit for such work has first been issued.~~ Nothing in this Chapter ~~shall~~ may be construed to prevent any emergency work necessary to prevent injury to persons or property at any time.

6. Requests for alternate hours must be made, in writing, to the City Manager or their designee. Requests must state the name of the applicant, their business address, the location of the proposed work, the time(s) of the proposed construction and the reason for seeking an alternate hour accommodation. No such request will be granted unless the applicant can demonstrate that the public welfare will be harmed unless work is performed after hours.

~~6. — Alternate Hours Work Permit.~~

~~Applications for an alternate hours work permit shall be made in writing to the Public Works Director and shall state the name of the applicant and the business address, the location of the proposed work and the reason for seeking a permit to do such work, as well as the estimated time of the proposed operations. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the times indicated.~~

7. Safeguards. Warning barricades and lights ~~shall~~ must be maintained whenever necessary for the protection of pedestrians and traffic during construction; ~~and temporary~~ Temporary roofs over sidewalks ~~must~~ shall be constructed whenever there is potential for danger to pedestrians ~~from falling articles or materials, to pedestrians.~~

206.10.TBD.11 Drainage and Grading

1. Investigation. After a building permit has been applied for and prior to the issuance of ~~said~~ the permit, the City ~~shall~~ will thoroughly investigate the existing drainage features on ~~of~~ the property to be used.

2. Obstruction of Natural Drainage Prohibited. No building permit ~~shall~~ may be issued for ~~the~~ any construction ~~that of any building on which construction or necessary grading thereto shall~~ would obstruct any existing natural drainage waterway.

3. Undrainable Lands. No building permit ~~shall~~ may be issued for the construction of any building upon ground that ~~which~~ cannot be properly drained.

4. Protection of Existing Drainage Installations.

(a) Where an application is made for a building permit and subsequent investigation shows that the property to be occupied by ~~said~~ the building is adjacent to a portion of a public road or street containing a drainage culvert, catch basin, sewer, special ditch, or any other artificial drainage structures used for the purpose of draining ~~thesaid~~ property ~~and/or any~~ neighboring property, the applicant ~~shall~~ must ~~specifically~~ agree in writing to protect these existing drainage waterways and in such a way that they shall not ensure that they will not be disturbed ~~be affected~~ by the proposed ~~building~~ construction or grading work ~~incidental thereto~~.

(b) ~~No one is permitted to use or alter~~ land shall be altered and no use shall be permitted in a manner that results in water run-off tending to causing flooding, erosion or deposits of minerals on adjacent properties. Stormwater run-off from a developed site ~~will~~ must leave at no greater rate or lesser quality than the stormwater run-off from the site prior to its development in an undeveloped condition. Stormwater run-off after development shall not exceed the rate of run-off ~~from~~ of the undeveloped land for a 24-hour storm with a ~~4~~ one year return frequency. Detention facilities shall be designed for a 24-hour storm with a 100-year return frequency. All run-off ~~shall~~ must be properly channeled into a storm drain water course, ponding area, or other public facility designed for that purpose. A land alteration permit ~~shall~~ must be obtained prior to any changes in grade affecting water run-off onto an adjacent property.

5. Order to Regrade. As part of the permitting process, ~~The~~ the City may order the applicant to regrade any property if existing grade does not conform to any provision of this Section, if the grade indicated in the preliminary plan has not been followed, or if the existing grade poses a drainage problem to neighboring properties.

206.14.TBD.12 Waters and Waterways

1. Definition. As used in this Section, the terms "waters" and/or "waterways" ~~shall~~ will include all public ~~waterways~~ waters as defined by Minnesota Statutes, Section 103G.005, sSubdivision 15405.38 and ~~shall~~ also include all bodies of water, natural or artificial, including ponds, streams, lakes, swamps, and ditches ~~which~~ that are a part of or contribute to the collection, runoff, or storage waters within the City or ~~directly or indirectly~~ affect the collection, transportation, storage, or disposal of the storm and surface waters system in the City.

2. Permit Required. No person ~~shall~~ may cause or permit any waters or waterways to be created, dammed, altered, filled, dredged, or eliminated, or cause the water level elevation ~~thereof~~ to be artificially altered without first securing a permit Building Permit or a Land Alteration Permit from the City, State, or watershed management organization as appropriate.

3. ~~Application for Permit.~~

~~Applications for permits required by the provisions of this Section shall be made in writing upon printed forms furnished by the City Clerk.~~

~~43. Scope of Proposed Work. Applications for permits required by this Section-Chapter shall must be accompanied with by a complete and detailed description of the proposed work, together with complete plans and a topographical survey map clearly illustrating the proposed work and its effect upon existing waters and water handling facilities.~~

~~5. Fees.~~

~~A fee of twenty five dollars (\$25.00) shall be paid to the City and upon the filing of an application for a permit required by the provisions of this Section to defray the costs of investigating and considering such application.~~

~~206.12. Penalties~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~TBD.13 Fees~~

~~Fees for this chapter are set in the Fees Chapter of the Code.~~

~~TBD.14 Appeals~~

~~Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.~~



RECODIFICATION REPORT

Introduction

To aid accessibility and clarity in understanding of proposed updates to large, and sometimes complicated chapters of the Fridley City Code (Code), this Recodification Report (Report) will accompany select ordinances as they are introduced to the City Council. The Report will illuminate substantive changes to the Code (e.g., addition or removal of a section, fee changes, policy updates, etc.). It will not point out grammatical, punctuation, renumbering, or stylistic changes.

Title Placement

- | | |
|---|---|
| <input type="checkbox"/> Title 1 – General Provisions | <input type="checkbox"/> Title 6 – Zoning |
| <input type="checkbox"/> Title 2 – Administration | <input type="checkbox"/> Title 7 – Licensing |
| <input type="checkbox"/> Title 3 – Health, Safety and Welfare | <input type="checkbox"/> Title 8 – Franchises, Utilities and Right-of-Way |
| <input type="checkbox"/> Title 4 – Public Nuisance | <input type="checkbox"/> Title 9 – Public Ways and Places |
| <input checked="" type="checkbox"/> Title 5 – Lands and Buildings | <input type="checkbox"/> Appendices |

Chapter Information

Chapter Title: Building Code

Recodification Liaisons: Tony DeForge, Building Official; Brandon Brodhag, Assistant City Engineer; Melissa Moore, City Clerk

Current Chapter Number: 206

New Chapter Number: TBD

Substantive Changes

Section Number	Current Code	Proposed Changes
TBD.01		Adds a purpose statement to the Chapter.
TBD.02		Adds definitions that are applicable to the Chapter.
TBD.03	Adopts the State Building Code.	Updates the language of the Section.
TBD.05	Provides a framework for the City to charge for permitting of building and construction activities throughout the City. The fees found in the Chapter are also found in the Fees Chapter.	For consistency, all fees in the Code are moved to the Fees Chapter. Staff propose to repeal the City's Contractor's License, which is typically used as a vehicle to collect insurance certificates. Instead, requirements for insurance are moved to this section.
TBD.08	Describes how and when the City will issue Certificates of Occupancy.	The change proposed is to remove language about Certificates of Compliance, which are not utilized by



RECODIFICATION REPORT

		<p>the Inspections Division. If the Building Official directs work to be done on an existing legal nonconforming building, when those are improvements are made the Building Official would issue a Certificate of Occupancy.</p>
<p>TBD.11</p>	<p>Requires a permit for work to land that will impact any of the City's bodies of water.</p>	<p>Work related to waters and waterways are be regulated through a Land Alteration Permit or a Building Permit. Therefore, issuing a Waters and Waterways Permit are redundant and not necessary.</p>

FRIDLEY CITY CODE
CHAPTER 208. STORMWATER MANAGEMENT AND EROSION CONTROL

208.01 — PURPOSE AND INTENT

~~The purpose of this ordinance is to control or eliminate storm water pollution along with soil erosion and sedimentation within the City of Fridley. It establishes standards and specifications for conservation practices and planning activities, which minimize storm water pollution, soil erosion and sedimentation.~~

208.02 — SCOPE

~~Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the City of Fridley shall apply to the city for the approval of the storm water pollution control plan. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.~~

208.03 — DEFINITIONS

~~These definitions apply to this ordinance. Unless specifically defined below, the words or phrases used in this ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.~~

~~1. Applicant: Any person or group that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term "applicant" also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.~~

~~2. Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area wide planning agencies.~~

~~3. Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.~~

4. ~~Developer: Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.~~
5. ~~Development: Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.~~
6. ~~Discharge: The release, conveyance, channeling, runoff, or drainage, of storm water, including snowmelt, from a construction site.~~
7. ~~Energy Dissipation: This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, riprap, splash pads, and gabions that are designed to prevent erosion.~~
8. ~~Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.~~
9. ~~Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.~~
10. ~~Erosion and Sediment Practice Specifications or Practice: The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the state, county, city or local watershed group, whichever is most stringent.~~
11. ~~Exposed Soil Areas: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous. Once soil is exposed, it is considered "exposed soil," until it meets the definition of "final stabilization."~~
12. ~~Filter Strips: A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.~~
13. ~~Final Stabilization: Means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization.~~
14. ~~Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.~~

~~15. Hydrophytic Vegetation: Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

~~16. Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.~~

~~17. Land Disturbance Activity: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City of Fridley, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:~~

~~A. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.~~

~~B. Additions or modifications to existing single family structures that which result in creating under five thousand (5,000) square feet of exposed soil or impervious surface.~~

~~C. Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under five thousand (5,000) square feet of exposed soil or impervious surface.~~

~~D. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops.~~

~~E. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City of Fridley's requirements as soon as possible.~~

~~F. Street and utility reconstruction projects that result in a net increase in impervious area of less than 5%.~~

~~18. Native Vegetation: The presettlement (Already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.~~

~~19. Ordinary High Water Mark: Minnesota Statute 103G.005, subdivision 14 defines. "Ordinary high water level" as the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:~~

- A. ~~the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;~~
- B. ~~for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and~~
- C. ~~for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.~~

~~The term "ordinary high water mark" is further defined in Minnesota Rule 6120.2500, subpart 11. Ordinary high water marks are determined by the Minnesota Department of Natural Resources' area hydrologist.~~

~~20. Paved Surface: A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.~~

~~21. Permanent Cover: Means "final stabilization." Examples include grass, gravel, asphalt, and concrete. See also the definition of "final stabilization."~~

~~22. Permit: With in the context of this code a "permit" is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities~~

~~23. Phased Project or Development: Clearing a parcel of land in distinct phases, with at least fifty percent (50%) of the project's preceding phase meeting the definition of "final stabilization" and the remainder proceeding toward completion, before beginning the next phase of clearing.~~

~~24. Runoff Coefficient: The fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear at the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.~~

~~25. Sediment: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.~~

~~26. Sedimentation: The process or action of depositing sediment.~~

~~27. Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.~~

~~28. Significant Redevelopment: Alterations of a property that changes the "footprint" of a site or building in such a way that results in the disturbance of over one (1) acre of land. This term is not intended to include activities, which would not be expected to cause adverse storm water quality impacts and offer no new opportunity for storm water controls, such as exterior remodeling.~~

~~29. Soil: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this document, temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.~~

~~30. Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.~~

~~31. Steep Slope: Any slope steeper than fifteen (15) percent (Fifteen (15) feet of rise for every one hundred (100) feet horizontal run).~~

~~32. Storm Water: Under Minnesota Rule 7077.0105, subpart 41b storm water, "means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Code of Federal Regulations (CFR) under 40 CFR 122.26 [b][13], "Storm water means storm water runoff, snow melt runoff and surface and drainage."). Storm water does not include construction site dewatering.~~

~~33. Storm Water Pollution Control Plan: A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 208.05, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.~~

~~34. Stormwater Pond or Basin: A permanent man-made structure used for the temporary storage of runoff. Detention Pond is considered a permanent man-made structure containing a temporary pool of water. A Retention Pond or a Wet Retention Facility is considered a permanent man-made structure containing a permanent pool of water.~~

~~35. Structure: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.~~

~~36. Subdivision: Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17 defines subdivision as, "land that is divided for the purpose of sale, rent, or lease, including planned unit development."~~

~~37. Temporary Protection: Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.~~

~~38. Vegetated or Grassy Swale: A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration.~~

~~39. Very Steep Slope: Any slope steeper than one foot of rise for each three feet of horizontal run (Thirty-three (33) percent slope)~~

~~40. Waters of the State: As defined in Minnesota Statutes section 115.01, subdivision 22 the term "... 'waters of the state' means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof."~~

~~41. Wetlands: As defined in Minnesota Rules 7050.0130, subpart F, "... 'wetlands' are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:~~

~~A. A predominance of hydric soils;~~

~~B. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and~~

~~C. Under normal circumstances support a prevalence of such vegetation."~~

~~208.04 — TECHNICAL GUIDES~~

~~The following handbooks are adopted by reference:~~

~~1. "Protecting Water Quality in Urban Areas", Minnesota Pollution Control Agency~~

~~2. "Storm Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm Water and Snow Melt Runoff on Wetlands", Minnesota Pollution Control Agency~~

~~3. "Minnesota Urban Small Sites BMP Manual", Metropolitan Council~~

4. ~~“Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices”, United States Environmental Protection Agency~~
5. ~~“Erosion Control Design Manual”, Minnesota Department of Transportation~~
6. ~~“Field Office Technical Guide of the United States Department of Agriculture”, Soil Conservation Service~~
7. ~~“Soil Survey of Anoka County”, developed by the United States Department of Agriculture, Soil Conservation Service~~
8. ~~Minnesota Construction Site Erosion and Sediment Control Planning Handbook~~

208.05 — ~~STORMWATER POLLUTION CONTROL PLAN~~

~~Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water pollution control plan to the city engineer. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the city approves this plan.~~

1. ~~Storm Water Runoff Rates.~~ Release rates from storm water treatment basins shall not increase over the predevelopment twenty four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed activity. For discharges to wetlands volume control is more important than discharge rate control.
2. ~~The Storm Water Pollution Control Plan and the Grading Plan.~~ The storm water pollution control plan's measures, the limit of disturbed surface shall be marked on the approved grading plan, and identified with flags, stakes, signs etc. on the development site before work begins.
3. ~~Inspections of the Storm Water Pollution Control Plan's Measures.~~ At a minimum, such inspections shall be done weekly by the developer or the developer's designated representative, and within twenty four (24) hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in twenty four (24) hours). At a minimum, these inspections shall be done during active construction.
4. ~~Minimum Requirements of the Storm Water Pollution Control Plan.~~ The plan shall contain or consider:
 - A. ~~The name and address of the applicant and the location of the activity.~~
 - B. ~~Project description: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and building construction involved.~~

- C. ~~Phasing of construction: time frames and schedules for the project's various aspects.~~
 - D. ~~A map of the existing site conditions: existing topography, property information, steep and very steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, and one hundred (100) year flood plain boundaries.~~
 - E. ~~A site construction plan that includes the location of the proposed land disturbing activities, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the storm water pollution control measures.~~
 - F. ~~Adjacent areas: neighboring streams, lakes, residential areas, roads, etc., which might be affected by the land disturbing activity.~~
 - G. ~~Designate the site's areas that have the potential for serious erosion problems.~~
 - H. ~~Erosion and sediment control measures: the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process.~~
 - I. ~~Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, time frames or schedules.~~
 - J. ~~Calculations: any that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.~~
5. ~~General Storm Water Pollution Control Plan Criteria. The plan shall address the following:~~
- A. ~~Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule.~~
 - B. ~~Establishing permanent vegetation and the related time frame or schedule.~~
 - C. ~~Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes and unique vegetation (Oak groves, rare and endangered species habitats, etc.)~~
 - D. ~~Scheduling for erosion and sediment control practices.~~
 - E. ~~Where permanent and temporary sedimentation basins will be located.~~
 - F. ~~Engineering the construction and stabilization of steep and very steep slopes.~~
 - G. ~~Measures for controlling the quality and quantity of storm water leaving a site.~~
 - H. ~~Stabilizing all waterways and outlets.~~

- I. ~~Protecting storm sewers from the entrance of sediment.~~
- J. ~~What precautions will be taken to contain sediment, when working in or crossing water bodies.~~
- K. ~~Restabilizing utility construction areas as soon as possible.~~
- L. ~~Protecting paved roads from sediment and mud brought in from access routes.~~
- M. ~~The eventual disposing of temporary erosion and sediment control measures.~~
- N. ~~How The temporary and permanent erosion and sediment controls will be maintained.~~
- O. ~~The disposal of collected sediment and floating debris.~~

~~6. Minimum Storm Water Pollution Control Measures and Related Inspections. These minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the city engineer. The city will determine what action is necessary.~~

- A. ~~All grading plans and building site surveys must be reviewed by the city for the effectiveness of erosion control measures in the context of site topography and drainage.~~
- B. ~~Sediment control measures must be properly installed by the builder before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished or before the next runoff event, the erosion and sediment control structures must be returned to the configuration specified by the city. A sediment control inspection must then be scheduled, and passed before a footing inspection will be done.~~
- C. ~~Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.~~
- D. ~~Easements. If a storm water management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.~~
- E. ~~The scheduling of the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.~~

F. ~~Control runoff as follows (Either 1 and 2 or 1 and 3):~~

- ~~(1) Unless precluded by moderate or heavy snow cover (Mulching can still occur if a light snow cover is present.), stabilize all exposed inactive disturbed soil areas within two hundred (200) feet of any water of the state, or within two hundred (200) feet of any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) with sod, seed or weed-free mulch. This must be done, if the applicant will not work the area for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for slopes flatter than 10:1.~~
- ~~(2) For disturbed areas greater than five (5) acres construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal of at least 1% of the area draining to basin, and be constructed in accordance with accepted design specifications including access for operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.~~
- ~~(3) For disturbed areas less than five (5) acres sedimentation basins are encouraged, but not required, unless required by the city engineer. The applicant shall install erosion and sediment controls at locations directed by the city. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce the amount of sediment reaching the channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained. The applicant is also required to obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) construction storm water permit from the Minnesota Pollution Control Agency for any project that disturbs one (1) acre or more of land. This one acre value also applies to a common plan of development or sale.~~

G. ~~Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one (1) or more acres of cumulative impervious surface, and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters of the state.~~

- ~~(1) At a minimum the work shall conform with the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas," and the current requirements found in the same agency's NPDES/SDS permits for storm water associated with construction activities.~~

H. ~~Generally, sufficient silt fence shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.~~

- ~~I. Temporary stockpiling of fifty (50) or more cubic yards of excess soil on any lot or other vacant area shall not be allowed without issuance of a grading permit for the earth moving activity in question.~~
- ~~J. For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.~~
- ~~(1) If for any reason a soil or non-soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.~~
- ~~(2) All non-soil (clean sand, gravel, concrete or bituminous) must at a minimum have a silt fencing or other effective sediment control measures installed.~~
- ~~K. All sand, gravel or other mining operations taking place on the development site shall apply for a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.~~
- ~~L. Temporary rock construction entrances, or equally effective means of preventing vehicles from tracking sediment from the site, may be required wherever vehicles enter and exit a site.~~
- ~~(1) Vehicle tracking of sediment from the site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate.~~
- ~~M. Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.~~
- ~~N. Streets must be cleaned and swept whenever tracking of sediments occurs. Sediment shall not be allowed to remain on the streets if the site is to be left idle for weekends or holidays. A regular sweeping schedule should be established.~~
- ~~O. Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.~~

~~P. All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas."~~

~~Q. Roof drain leaders. All newly constructed and reconstructed buildings shall route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate whenever practical. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.~~

~~R. Removal from the project's site of more than one (1) acre of topsoil shall not be done, unless written permission is given by the city engineer. Excessive removal of topsoil from the project's site can cause significant current and future soil erosion problems.~~

~~S. Inspection and maintenance. All storm water pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle (typically eight (8) feet or wider) and personnel access for maintenance purposes and be structurally sound. These facilities must have Storm Water Maintenance Agreement that ensures continued effective removal of the pollutants carried in storm water runoff. The owner shall inspect all storm water management facilities during construction, twice during the first year of operation and at least once every year thereafter. The city will keep all inspection records on file for a period of six (6) years.~~

~~(1) Inspection and maintenance easements. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.~~

~~T. Follow-up inspections must be performed by the owner on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites.~~

~~(1) In cases where cooperation is withheld, construction stop orders may be issued by the city, until all erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.~~

~~U. All infiltration areas must be inspected to ensure that sediment from ongoing construction activities is not reaching infiltration areas, and that these areas are also being protected from soil compaction from the movement of construction equipment.~~

~~7. Permanent Storm Water Pollution Controls.~~

~~A. The applicant shall install and construct all permanent storm water management facilities necessary to manage increased runoff, so that the discharge rates from storm water treatment basins, such that the predevelopment twenty-four (24) hour two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates are not increased. These predevelopment rates shall be based on the last ten (10) years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity.~~

~~(1) All calculations and information used in determining these peak storm discharge rates shall be submitted along with the storm water pollution control plan.~~

~~B. The applicant shall consider reducing the need for permanent storm water management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond.~~

~~C. The following permanent storm water management practices must be investigated in developing the storm water management part of the storm water pollution control plan in the following descending order of preference:~~

~~(1) Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces. Direct runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches.~~

~~(2) Flow attenuation of treated storm water by the use of open vegetated swales and natural depressions.~~

~~(3) Storm water ponding facilities (including percolation facilities); and~~

~~(4) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (C) above. The applicant shall provide justification for the method selected.~~

~~D. Redevelopment of existing parcels must provide treatment of stormwater from impervious surfaces even if the amount of impervious remains the same or is reduced.~~

~~Treatment may be accomplished through the use of ponding areas, infiltration areas, or structural stormwater treatment devices.~~

~~The applicant shall submit documentation showing the chosen method will remove in excess of 80% of suspended solids and other pollutants from a 1.5 inch 24 hour storm event~~

~~E. The applicant shall be required to sign and file a Stormwater Maintenance Agreement that ensures continued effective removal of the pollutants carried in storm water runoff. The Agreement also ensures continued maintenance, cleaning and upkeep of the facility.~~

~~8. Minimum Design Standards for Storm Water Wet Detention Facilities. At a minimum these facilities must conform to the most current technology as reflected in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas" and the current requirements found in the same agency's NPDES permits for storm water associated with construction activities.~~

~~9. Minimum Protection for Natural Wetlands:~~

~~A. Runoff must not be discharged directly into wetlands without appropriate quality (e.i., treated) and quantity runoff control, depending on the individual wetland's vegetation sensitivity. See the current version of the Minnesota Pollution Control Agency's publication, "Storm Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm Water and Snow-Melt Runoff on Wetlands" for guidance.~~

~~B. Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the Board of Water and Soil Resources rules that implement the Minnesota Wetland Conservation Act of 1991 including any and all amendments to it.~~

~~C. Work in and around wetlands must be guided by the following principles in descending order of priority:~~

~~(1) Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.~~

~~(2) Minimize the impact by limiting the degree or magnitude of the wetland related activity.~~

~~(3) Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.~~

~~(4) Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.~~

~~10. Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing storm water management structures must be approved by the city engineer. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a~~

registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the city engineer.

208.06 REVIEW

The city engineer shall review the storm water pollution control plan.

1. ~~Permit Required.~~ If the city determines that the storm water pollution control plan meets the requirements of this ordinance, the city shall issue a permit valid for a specified period of time, that authorizes the land disturbance activity contingent on the implementation and completion of the storm water pollution control plan.

2. ~~Permit Denial.~~ If the city determines that the storm water pollution control plan does not meet the requirements of this ordinance, the city shall not issue a permit for the land disturbance activity.

A. ~~All land use and building permits for the site in question must be suspended until the applicant has an approved storm water pollution control plan.~~

3. ~~Permit Suspension and Revocation~~ If the storm water pollution control plan is not being implemented the city can suspend or revoke the permit authorizing the land disturbance activity.

208.07 — MODIFICATION OF PLAN

~~An approved storm water pollution control plan may be modified on submission of a written application for modification to the city, and after written approval by the city engineer. In reviewing such an application, the city engineer may require additional reports and data.~~

1. ~~Records Retention.~~ The city shall retain the written records of such modifications for at least three (3) years.

208.08 — FINANCIAL SECURITIES

~~The applicant shall provide a financial security for the performance of the work, in conjunction with a building permit or land alteration permit, described and delineated on the approved grading plan involving the storm water pollution control plan and any storm water and pollution control plan related remedial work in, at a rate of three thousand dollars (\$3,000) per acre for the maximum acreage of soil that will be simultaneously exposed to erosion during the project's construction. (See the definitions of "exposed soil area" and "final stabilization" for clarification.) This security must be available prior to commencing the project. The form of the security must be:~~

- A. ~~By cash security deposited to the city for thirty percent (30%) of the total financial security when less than five (5) acres of soil will be simultaneously exposed. When over five (5) acres of soil will be simultaneously exposed to erosion, then the cash security increases to the first five thousand dollars (\$5,000) or ten percent (10%) of the total financial security, whichever is greater.~~
- B. ~~The remainder of the financial security shall be placed either with the city, a responsible escrow agent, or trust company, at the option of the city, money, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. This security shall save the city free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the city. The type of security must be of a type acceptable to the city.~~
- C. ~~The city may request a greater financial security, if the city considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.~~
- D. ~~If more soil is simultaneously exposed to erosion than originally planned, the amount of the security shall increase in relation to this additional exposure.~~

~~1. MAINTAINING THE FINANCIAL SECURITY~~

~~If at anytime during the course of the work this amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the deposit to the required amount within five (5) days. Otherwise the city may:~~

- A. ~~Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.~~
- B. ~~Revoke any permit issued by the city to the applicant for the site in question and any other of the applicant's sites within the city's jurisdiction.~~

~~2. PROPORTIONAL REDUCTION OF THE FINANCIAL SECURITY~~

~~When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the city can reduce the total required amount of the financial security by one-third, if recommended in writing by the city engineer. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the city can reduce the total required amount of the financial security by two-thirds of the initial amount, if recommended in writing by the city engineer.~~

3. ACTION AGAINST THE FINANCIAL SECURITY

The city may act against the financial security, if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

A. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the city approved grading plan.

B. The applicant fails to conform to any city approved grading plan and/or the storm water pollution control plan as approved by the city, or related supplementary instructions.

C. The techniques utilized under the storm water pollution control plan fail within one (1) year of installation.

D. The applicant fails to reimburse the city for corrective action taken under 208.09.

E. Emergency action under either 208.08.4 (below) or any part of 208.09.

4. EMERGENCY ACTION

If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city engineer, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security.

5. RETURNING THE FINANCIAL SECURITY

Any unspent amount of the financial security deposited with the city for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released not more than one (1) full year after the completion of the installation of all such measures and the establishment of final stabilization.

208.09 — NOTIFICATION OF FAILURE OF THE STORM WATER POLLUTION CONTROL PLAN

The city shall notify the applicant, when the city is going to act on the financial securities part of this ordinance.

1. NOTIFICATION BY THE CITY

~~The initial contact will be to the party or parties listed on the application and/or the storm water pollution control plan as contacts. Except during an emergency action under 208.08.4, forty-eight (48) hours after notification by the city or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the city at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the city has been unable to establish contact, the city may proceed with the corrective work.~~

- ~~A. There are conditions when time is of the essence in controlling erosion. During such a condition the city may take immediate action, and then notify the applicant as soon as possible.~~

~~2. EROSION OFF-SITE~~

~~If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do the remedial work required and charge the cost to the applicant.~~

~~3. EROSION INTO STREETS, WETLANDS OR WATER BODIES~~

~~If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.~~

~~4. FAILURE TO DO CORRECTIVE WORK~~

~~When an applicant fails to conform to any provision of 208.08 or 208.09 within the time stipulated, the city may take the following actions:~~

- ~~A. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.~~
- ~~B. Suspend or revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction.~~
- ~~C. Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit for land disturbance activity constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting erosion control deficiencies.~~

~~D. All costs incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities as described in 208.08.~~

~~E. If there is an insufficient financial amount in the applicant's financial securities as described in 208.08, to cover the costs incurred by the city, then the city may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of the assessment.~~

208.10 — VARIANCE

~~In any case where, upon application of the responsible person or persons, the city finds that by reason of exceptional circumstances, strict conformity with this ordinance would be unreasonable, impractical, or not feasible under the circumstances; the city in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of this ordinance. The public shall be a given the opportunity for comment.~~

- ~~1. Variance Request. The variance request must be in writing in a form acceptable to the city.~~
- ~~2. Variance Public Notice. The variance request shall be public noticed in the normal manner used for city council meeting items, to allow the public an opportunity for comment.~~
- ~~3. Variance Determination. After the public has been given the right to comment, the variance shall either be approved or disapproved by a vote of the city council.~~
- ~~4. Variance Response. The variance response must be in writing, and include the justification for either granting or denying the requested variance. A favorable response shall also include any special conditions imposed by the city.~~
- ~~5. Time Limit. If the variance is not acted upon within one (1) year of being granted, the variance shall become void.~~
- ~~6. Revocation. If any of the variance's conditions are violated, the city may revoke the variance.~~

208.11 — ENFORCEMENT

~~The city shall be responsible enforcing this ordinance.~~

~~1. Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both as defined in Chapter 901. All land use and building permits shall be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.~~

~~208.012 — RIGHT OF ENTRY AND INSPECTION~~

~~1. Powers. The applicant shall promptly allow the city and their authorized representatives, upon presentation of credentials to:~~

- ~~A. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.~~
- ~~B. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.~~
- ~~C. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.~~
- ~~D. Inspect the storm water pollution control measures.~~
- ~~E. Sample and monitor any items or activities pertaining to storm water pollution control measures.~~
- ~~F. Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the applicant.~~

~~208.13 — ABROGATION AND GREATER RESTRICTIONS~~

~~It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.~~

~~208.14 — SEVERABILITY~~

~~The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.~~

Fridley City Code
Chapter 224. Stormwater Illicit Discharge Detection and Elimination

224.01. Purpose of Chapter

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Fridley through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the MS4 permit issued to the City of Fridley by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
2. To prohibit illicit connections and discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

224.02. Definitions

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

Best Management Practices or BMPs means practices approved by the City of Fridley to prevent or reduce the pollution of the Waters of the State, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.

City Manager means the City Manager as defined in the City of Fridley Charter, or the City Manager's designee.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit discharge means any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted in Section 224.08 of this chapter.

Illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the storm drainage system including but not limited to sewage, process wastewater, wash water and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14) titled Storm water discharge associated with industrial activity.

Municipal separate storm sewer system (MS4) means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Fridley and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by Minnesota Pollution Control Agency (MPCA) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drainage system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, structure, facility, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

~~Storm drainage system means publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.~~

~~Stormwater (also storm water) means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.~~

~~Stormwater management plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.~~

~~Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a premises.~~

~~Watercourse means a ditch, stream, creek, or other defined channel intended for the conveyance of water runoff, groundwater discharge or similar hydraulic or hydrologic purpose.~~

~~Waters of the State means, "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof" as currently defined in Minnesota Statutes Section 115.01, Subdivision 22, and as may be further amended from time to time.~~

~~224.03 Applicability~~

~~This chapter shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City of Fridley.~~

~~224.04 Responsibility for Administration~~

~~The City of Fridley shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the City of Fridley may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.~~

~~224.05 Compatibility with other regulations~~

~~This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or~~

~~other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.~~

~~224.06 Severability~~

~~The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.~~

~~224.07 Ultimate Responsibility~~

~~The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.~~

~~224.08 Discharge Prohibitions~~

~~Prohibition of illicit discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drainage system is prohibited except as described as follows:~~

~~Discharges from the following sources are exempt from discharge prohibitions established by this chapter: flows from riparian habitats and wetlands, diverted stream flows, rising groundwater, springs, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, uncontaminated water from foundation or footing drains, crawl space pumps, air conditioning condensate, irrigation water, lawn watering discharge, individual residential car washing, water hydrant flushing or other water treatment or distribution system, discharges from potable water sources, and street wash water.~~

~~Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may not be discharged directly to a gutter or storm sewer. This discharge must flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City of Fridley.~~

~~Discharges or flow from firefighting and other discharges specified in writing by the City of Fridley as being necessary to protect public health and safety.~~

~~Discharges associated with dye testing; however this activity requires a verbal notification to the City of Fridley prior to the start of any testing.~~

Discharges associated with the necessary use of snow and ice control materials on paved surfaces.

~~Any non-stormwater discharge permitted under and NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.~~

2. Prohibition of illicit connections:

~~The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.~~

~~This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.~~

~~A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.~~

~~Connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Fridley.~~

~~Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property at the owner's or occupant's sole expense upon receipt of written notice of violation from the City of Fridley requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Fridley.~~

224.09 Watercourse Protection

~~Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures at the owner's or lessee's sole expense within or adjacent to a~~

watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

224.10 Right of Entry

~~Provided the City of Fridley gives 24 hours advance notice, the City of Fridley shall be permitted to enter and inspect premises subject to regulation under this chapter as often as may be necessary when entrance is deemed by the City to be necessary to determine compliance with this chapter. However, in cases of emergency or ongoing discharge, the City of Fridley shall be given immediate access.~~

~~1. Unreasonable delay in allowing the City of Fridley access to a premises is a violation of this ordinance.~~

~~2. The City of Fridley may seek issuance of an administrative search warrant from any court of competent jurisdiction if it has been refused access to any part of the premises from which storm water is discharged, and 1) is able to demonstrate probable cause to believe that there may be a violation of this chapter, or 2) that there is a need to inspect and/or sample as part of a routine inspection and such sampling program is designed to verify compliance with this ordinance or any order issued hereunder, or 3) to protect the overall public health, safety, and welfare of the community.~~

~~224.11 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices~~

~~The City of Fridley will adopt requirements identifying BMPs for any activity, operation, or premises which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or Waters of the State. The owner or operator of such activity, operation, or premises shall provide, at their owner's or operator's sole expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and nonstructural BMPs.~~

~~Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's sole expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed proof of compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.~~

~~224.12 Violations and Penalties~~

~~Any person violating any provision of this chapter is guilty of a misdemeanor and may be prosecuted for violations of this chapter. In addition to criminal prosecution for violations of this~~

chapter, the City of Fridley may, in its discretion, invoke any of the following remedies for violations of this chapter:

~~1. Emergency cease and desist orders. When the City of Fridley finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or Waters of the State which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Fridley may issue an order to the violator directing it immediately to cease and desist all such violations.~~

~~2. Stop work orders. When the City of Fridley finds that construction activity has resulted in violations of any provision of this chapter or any order issued hereunder, or that the person's past violations are likely to recur, the City of Fridley may issue a stop work to the violator, directing the violator to stop work immediately and directing that no further work be performed until compliance with this chapter is demonstrated.~~

~~3. Written warnings. When the City of Fridley finds that a person has violated a prohibition or failed to meet a requirement of this chapter and the violation or failure to meet a requirement has no ongoing adverse impact to the MS4 or Waters of the State, it may issue a written warning to the violator, provided that it is the person's first violation or failure to meet a requirement, to obtain voluntary compliance with this chapter.~~

~~4. Notice of violation. Whenever the City of Fridley finds that a person has violated a prohibition or failed to meet a requirement of this chapter, it may order compliance by written notice of violation to the person. Such notice may require without limitation:~~

~~(a) The performance of monitoring, analysis, and reporting;~~

~~(b) The elimination of illicit connections or discharges;~~

~~(c) That violating discharges, practices, or operations shall cease and desist;~~

~~(d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;~~

~~(e) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator;~~

~~(f) The notice shall state that the determination of violation may be appealed by the use of the process described in this chapter.~~

~~(g) Any person receiving a notice of violation may appeal the determination of the City of Fridley. The notice of appeal must be received by the City Clerk within seven (7) calendar days from the date of the notice of violation. Hearing on the appeal before the City Manager shall take place within seven (7) calendar days from the date of receipt of the notice of appeal. The decision of the City Manager or shall be final.~~

~~(h) If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal within fifteen (15) days of the decision of the City Manager upholding the decision of the City of Fridley, then representatives of the City of Fridley may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.~~

~~5. Suspension due illicit discharge. The City of Fridley may suspend MS4 discharge access under the following circumstances:~~

~~(a) Suspension due to illicit discharge in emergency situations. The City of Fridley may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City of Fridley may take such steps as it deems necessary to prevent or minimize damage to the MS4 or Waters of the State.~~

~~(b) Suspension due to detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have its MS4 access suspended if such suspension would abate or reduce an illicit discharge. The City of Fridley will notify the violator of the proposed suspension of its MS4 access. The person may petition the City of Fridley for reconsideration and hearing. A person commits an offense if the violator reinstates MS4 access to premises suspended pursuant to this chapter, without the prior approval of the City of Fridley.~~

~~6. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.~~

~~224.13 Cost of Abatement~~

~~Within thirty (30) days after abatement of a violation of this chapter, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within thirty (30) days, or other term approved by the City Manager, the City of Fridley may levy the charges as a special assessment against the property pursuant to Chapter 429 of Minnesota Statutes, including Minnesota Statutes § 429.101. The assessments shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this chapter shall become liable to the City by reason of such violation.~~

224.14. Remedies Not Exclusive

~~The remedies listed in this chapter are not exclusive of any other remedies, including but not limited to civil action to enjoin or otherwise compel the cessation of any violation of this chapter, available under any applicable federal, state or local law, and it is within the discretion of the City of Fridley to seek cumulative remedies. The City of Fridley may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.~~

Fridley City Code
Chapter TBD. Erosion Control and Stormwater Management

TBD.01 Purpose

The purpose of this Chapter is to control or eliminate stormwater pollution along with soil erosion and sedimentation within the City of Fridley (City) as required by federal and state law. This Chapter establishes standards and specifications for conservation practices and planning activities, which minimize stormwater pollution, soil erosion and sedimentation.

TBD.02 General Provisions

1. **Severability.** If any section, clause, provision, or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter will not be affected.
2. **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter will prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
3. **Minimum Standards.** The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. This Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
4. **Responsibility.** The City will administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed on the City may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

TBD.03 Scope

All land alteration or drainage alteration must meet the requirements of this Chapter and the City's Public Works General Specifications and Standards.

TBD.04 Definitions

Applicant: Any person, firm, sole proprietorship, partnership, corporation, company, state agency or political subdivision that applies for a permit from the City proposing or performing a land alteration or drainage alteration. Applicant also means agents, employees, contractors and others acting under the applicant's direction. Applicant also refers to the permit holder and their agents, employees and others acting under the permit holder's direction.

Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies.

Drainage alteration: An increase in stormwater flows or a change in existing flow route at a property boundary by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover and construction phasing.

Fully reconstructed: Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

General permit: A permit issued under Minnesota Rules 7001.0210 to a category of owners/operators whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.

Hazardous substances: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connection:

1. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drainage system including but not limited to sewage, processed wastewater, wash water and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge: Any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted by this Chapter.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Industrial activity: Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14) titled Storm water discharge associated with industrial activity.

Land Disturbance Activity: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City, including construction, clearing and grubbing, grading, excavating, transporting, and filling of land. Also referred to as "land alteration."

Linear project: Construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale.

Municipal separate storm sewer system (MS4): The system of conveyances, including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains owned and operated by the City and designed or used for collecting or conveying stormwater-that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by Minnesota Pollution Control Agency (MPCA) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge: Any discharge to the storm drainage system that is not composed entirely of stormwater.

Permit: Written permission granted by the City for construction, subdivision approval, or land disturbing activities.

Sediment: The product of an erosion process, including solid materials, both mineral and organic, that are in suspension, are being transported, or have been moved by water, wind, or ice, and have come to rest on the earth's surface either above or below water level.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sedimentation basins.

Stormwater (or storm water): Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater management plan: A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, or receiving waters to the maximum extent practicable.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a premises.

Watercourse: A ditch, stream, creek, or other defined channel intended for the conveyance of water runoff, groundwater discharge, or similar hydraulic or hydrologic purpose.

Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof" as currently defined in Minnesota Statutes §115.01, Subdivision 22.

TBD.05 Technical Guides

The following are adopted by reference:

1. The Minnesota Wetland Conservation Act, Minnesota Statutes (M.S.) §§ 103G.221 - 103G.2372, and its implementing rules, Minnesota Rules 8420.
2. The City's "Public Works General Specifications and Standards" (most current version to govern).

TBD.06 Administration

1. A permit is required for any land alteration within the City that results in:
 - (a) The creation of 5,000 square feet or more of land disturbance or new or fully reconstructed impervious surface.

(b) The creation of 1,000 square feet or more of land disturbance or movement of 10 cubic yards or more of material within the water quality impact zone as described in the Critical Area Overlay District Chapter of the Code.

(c) The movement of 10 cubic yards or more of material on steep slopes or within the bluff impact zone or shore impact zone as described in the Shoreland Overlay District Chapter of the Code.

(d) The movement of 50 cubic yards or more of material not on steep slopes or within the bluff impact zone or shore impact zone as described in the Shoreland Overlay District Chapter of the Code.

(e) Temporary soil stockpiles of 50 cubic yards or more.

(f) Impacts to wetlands.

(g) Construction of retaining walls that in combination are four feet tall or higher.

(h) Drainage alterations resulting in an increased rate of flow onto adjacent properties.

2. Calculations of areas of land disturbance or movement of material to determine if a permit is required will be based on cumulative project impacts.

3. No land alteration or drainage alteration within the thresholds established in TBD.06.01 may occur until a permit is issued by the City.

4. Applications for permits required under this Chapter must submit the following information unless the City Engineer or their designee determines that the information is not needed to determine compliance with this Chapter:

(a) The name and address of the applicant and the location of the activity.

(b) A description of the project including the nature and purpose of the land alteration activity and the amount of grading, utilities, new and reconstructed impervious surface and building construction involved.

(c) A map of the existing site conditions including existing topography, property information, steep and very steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, designation of the site's areas that have the potential for serious erosion problems, and floodplain boundaries.

(d) A site construction plan that includes the location of the proposed land alteration activities and phasing of construction.

- (e) An erosion and sediment control plan meeting the requirements of the City's Public Works General Specifications and Standards.
- (f) A permanent stormwater management plan meeting the requirements of the City's Public Works General Specifications and Standards.
- (g) A wetland management plan meeting the requirements of the City's Public Works General Specifications and Standards if proposing impacts to wetlands.
- (h) Copies of any necessary easements or other property interests concerning the flow of water if drainage is directed off-site.
- (i) Copies of any inspection schedules as required by the Minnesota Pollution Control Agency's (MPCA) NPDES/SDS Construction Stormwater General and meeting the City's Public Works General Specifications and Standards.
- (j) Copies of any necessary easements for maintenance and access meeting the City's Public Works General Specifications and Standards.
- (k) A signed stormwater maintenance agreement meeting the requirements of Section TBD.12.
- (l) Proof of any necessary permits from other agencies including watershed districts, Minnesota Department of Transportation, Anoka County, or other jurisdictional agencies.
- (m) For sites with proposed disturbance greater than one acre, any other items necessary to determine compliance with the MPCA's NPDES/SDS Construction Stormwater General Permit MNR100001.

TBD.07 Wetlands

1. Runoff must not be discharged directly into wetlands except as allowed within the City's Public Works General Specifications and Standards.
2. Wetlands must not be drained, filled, excavated, or otherwise altered except in conformance with the provisions of M.S. §§ 103G.221-103G.2372, Minnesota Rules 8420 and Section 404 of the Federal Clean Water Act.

TBD.08 Drainage Alterations

1. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate whenever practical. The discharge rate must be controlled so that no erosion occurs in the pervious areas.

2. Drainage may not be altered to be directed onto adjacent property in so far as practical except as allowed with a City permit.

TBD.09 Illicit Discharge

1. Prohibition of illicit discharges. No person may throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement or continuance of any illicit discharge to the storm drainage system is prohibited except as described below:

(a) Discharges from the following sources are exempt from discharge prohibitions established by this Chapter: flows from riparian habitats and wetlands, diverted stream flows, rising groundwater, springs, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, uncontaminated water from foundation or footing drains, crawl space pumps, air conditioning condensate, irrigation water, lawn watering discharge, individual residential car washing, water hydrant flushing or other water treatment or distribution system, discharges from potable water sources, and street wash water.

(b) Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may contain sediment or other forms of pollutants may not be discharged directly to a gutter or storm sewer. This discharge must flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City.

(c) Discharges or flow from firefighting and other discharges specified in writing by the City as being necessary to protect public health and safety.

(d) Discharges associated with dye testing. This activity requires a verbal notification to the City prior to the start of any testing.

(e) Discharges associated with the necessary use of snow and ice control materials on paved surfaces.

(f) Any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

2. Prohibition of illicit connections.

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(d) Connections in violation of this Chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

(e) Any drain or conveyance that has not been documented in plans, maps or similar documents, and which may be connected to the storm sewer system, must be located by the owner or occupant of that property at the owner's or occupant's sole expense upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. The results of these investigations must be documented and provided to the City.

3. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters, said person must take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person must immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person must notify the City no later than the next business day. Notifications must be confirmed by written notice addressed and mailed to the City within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment must also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three years.

4. Management Practices

(a) The City will adopt requirements identifying BMPs for any activity, operation, or premises which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or Waters of the State. The owner or operator of such activity, operation, or premises must provide, at their owner's or operator's sole expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of structural and nonstructural BMPs.

(b) Any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's sole expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, must be deemed proof of compliance with the provisions of this Section. These BMPs will be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

TBD.10 Watercourse Protection

Every person who owns property through which a watercourse passes, or such person's lessee, must keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee must maintain existing privately owned structures at the owner's or lessee's sole expense within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

TBD.11 Inspections

1. All erosion and sediment control measures and permanent stormwater BMPs must be inspected by the applicant to ensure integrity and effectiveness as outlined in the City's Public Works General Specifications and Standards and any approved Maintenance Agreements.

2. The City and its authorized representatives must be allowed to:

(a) Enter upon a site for the purpose of obtaining information, examination of records, conducting investigations, or performing inspections or surveys as often as may be necessary to determine compliance with the Chapter.

(b) Where feasible, the City will give 24-hours advance notice. In cases of emergency or ongoing discharge, the City must be given immediate access.

(c) Unreasonable delay in allowing the City access to the premises is a violation of this Chapter.

(d) The City may seek issuance of an administrative search warrant from any court of competent jurisdiction if it has been refused access to any part of the premises from which storm water is discharged, and 1) is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or 2) that there is a need to inspect or sample as part of a routine inspection and such sampling program is designed to verify compliance with this Chapter or any order issued hereunder, or 3) to protect the overall public health, safety, and welfare of the City.

(e) Bring equipment on the site as is necessary to conduct any surveys and investigations or require the property owner/discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality must be calibrated to ensure their accuracy.

(f) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the City's Public Works General Specifications and Standards.

(g) Inspect the erosion and sediment controls and permanent stormwater BMPs.

(h) Remove any temporary or permanent obstruction to the safe and easy access of an inspection.

(i) Correct deficiencies in stormwater and sediment and erosion control measures

3. The cost of providing access to inspectors and correcting deficiencies must be paid as outlined in Section TBD.13 and Section TBD.15.

TBD.12 Maintenance

1. Maintenance of erosion and sediment control devices must occur in conformance with the Public Works General Specifications and Standards and the approved Maintenance Agreement.

2. All stormwater BMPs must be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound.

3. A Maintenance Agreement must be developed for the ongoing inspection maintenance of all permanent structural stormwater BMPs that documents all responsibilities for operation and maintenance. The Maintenance Agreement will be executed and recorded against the parcel. The Maintenance Agreement must be in a form approved by the City and must, at a minimum:

(a) Designate the Responsible Party who is responsible for ongoing inspection and maintenance of the permanent structural stormwater BMPs and the costs of any needed inspection and maintenance to be completed by the City as outlined in Section TBD.15.

(b) Pass responsibilities for such maintenance to successors in title.

(c) Include a maintenance plan that contains, but is not limited to the following:

(1) Identification of all structural permanent stormwater BMPs.

(2) A schedule for regular inspection, monitoring, and maintenance of each structural BMP. Monitoring must verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.

(3) Include a schedule and format for reporting compliance with the maintenance agreement to the City.

(d) Allow the City and its representatives the right-of-entry for the purpose of inspecting all permanent stormwater BMPs.

(e) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the Responsible Party, at the cost to the Responsible Party as outlined in Section TBD.15.

4. The Responsible Party must make records of the installation and of all maintenance and repairs of the stormwater BMPs and must retain the records for at least three years. These records must be made available to the City during inspection of the stormwater BMPs and at other reasonable times upon request.

TBD.13 Financial Securities

1. The applicant must provide a financial security for the performance of the work in conjunction with a permit in the amount outlined in the Fees Chapter of the Code.

2. This security must be available prior to commencing the project. The form of the security must be:

(a) By a cash security deposited to the City for 30% of the total financial security when less than five acres of soil will be simultaneously exposed. When over five acres of soil will be simultaneously exposed to erosion, the cash security increases to the first \$5,000 or 10% of the total financial security, whichever is greater.

(b) The remainder of the financial security must be placed either with the City, a responsible escrow agent, or trust company, at the option of the City. Such security must

contain money, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. This security must declare the City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement, or storage of rock, sand, gravel, soil, or other like material within the City. The type of security must be of a type acceptable to the City.

3. The City may request a greater financial security from an applicant if the City determines that the development site is especially prone to erosion or the resource to be protected is especially valuable. If more soil is simultaneously exposed to erosion than originally planned, the amount of security must increase in relation to this additional exposure.

4. If at any time during the work the deposited security amount falls below 50% of the required deposit, the Applicant must make another deposit in the amount necessary to restore the deposit to the required amount within five days. If a deposit is not made, the City may:

(a) Withhold the scheduling of inspections or the issuance of a Certificate of Occupancy.

(b) Revoke any permit issued by the City to the applicant for the site in question and any other of the Applicant's sites within the City's jurisdiction.

(c) When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the City may reduce the total required amount of the financial security by one-third, if recommended in writing by the City Engineer. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the City may reduce the total required amount of the financial security by two-thirds of the initial amount, if recommended in writing by the City Engineer.

(d) Any unspent amount of the financial security deposited with the City for faithful performance of the permit and permit related remedial work must be released not more than one full year after the completion of the installation of all such measures and the establishment of final stabilization.

TBD.14 Enforcement.

1. In the following instances, the City may take enforcement actions against the applicant or property owner:

(a) The applicant or property owner ceases land disturbing activities and abandons the work site prior to completion of the permit requirements.

(b) The applicant or property owner fails to conform to this Chapter, the approved permit, City's Public Works General Specifications and Standards, the approved erosion and sediment control plan, the permanent stormwater management plan, or related supplementary instructions.

(c) The Responsible Party does not follow the approved Maintenance Agreement

2. When an applicant, property owner, or Responsible Party fails to conform to any provision of this Chapter, the City's Public Works General Specifications and Standards, an approved permit, or an approved Maintenance Agreement within the time stipulated by the City, the City may take the following actions:

(a) Issue a stop work order, withhold the scheduling of inspections or the issuance of a Certificate of Occupancy.

(b) Suspend or revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

(c) Perform corrective work to address the violation either utilizing City staff or by a separate contract.

3. Additionally the City may undertake the following enforcement actions against the property owner for violations related to Section TBD.09 Illicit Discharge:

(a) Written warnings. When the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter and the violation or failure to meet a requirement has no ongoing adverse impact to the MS4 or Waters of the State, City staff may issue a written warning to the violator, provided that it is the person's first violation or failure to meet a requirement, to obtain voluntary compliance with this Chapter.

(b) Notice of violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City may order compliance by written notice of violation to the person. Such notice may require without limitation:

(1) The performance of monitoring, analysis, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations must cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) The implementation of source control or treatment BMPs. If abatement of a violation or restoration of affected property is required, the notice will set forth a deadline within which such remediation or restoration must be completed. Said notice must advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense will be charged to the violator as outlined in Section TBD.15;

(c) Suspension due to illicit discharge. The City may suspend MS4 discharge access under the following circumstances:

(1) Suspension due to illicit discharge in emergency situations. The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as it deems necessary to prevent or minimize damage to the MS4 or Waters of the State.

(2) Suspension due to detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have its MS4 access suspended if such suspension would abate or reduce an illicit discharge. The City will notify the violator of the proposed suspension of its MS4 access. The person may petition the City for reconsideration and hearing. A person commits an offense if the violator reinstates MS4 access to premises suspended pursuant to this Chapter, without the prior approval of the City.

4. The City will begin corrective work under the following schedule:

(a) For failures of erosion and sediment control devices, illicit discharges, and illicit connections:

(1) Except during an emergency action, 48 hours after notification by the City or 72 hours after the failure of erosion and sediment control measures, whichever is less, or the date listed within the notice of violation, the City at its discretion may begin corrective work.

(2) Notification of the need to perform corrective work should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties the City has been unable to establish contact, the City may proceed with the corrective work.

(b) For failures of permanent stormwater BMPs or failures to comply with an approved maintenance plan, the City will provide the applicant, property owner, or the Responsible Party notice in writing that it intends to correct a violation of the design standards or

maintenance plan by performing all necessary work to place the stormwater BMP in proper working condition. The notified party will have 30 days to perform the required maintenance and repair of the BMP in an approved manner. After 30 days, the City may proceed with the corrective work.

(c) If circumstances exist such that noncompliance with this Chapter poses an immediate danger to the public health, safety, and welfare as determined by the City Engineer or their designee, the City may take emergency preventative action. During such a condition the City may take immediate action prior to notifying the applicant and notify the applicant as soon as possible after work commences. Any cost to the City may be recovered from the applicant or property owner.

5. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance as outlined in the Public Nuisances Chapter of the Code.

6. Remedies not exclusive The remedies listed in this chapter are not exclusive of any other remedies, including but not limited to civil action to enjoin or otherwise compel the cessation of any violation of this Chapter, available under any applicable federal, state or local law, and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

TBD.15 Abatement

1. All costs incurred by the City during inspection and enforcement actions including but not limited to site access, staff time, contractor fees, and attorney's fees, must be reimbursed to the City. If payment is not made within 30 days after costs are incurred by the City, payment will be made from the applicant's financial securities.

2. If there is an insufficient financial amount in the financial securities to cover the costs incurred by the City or if no financial security was provided, then the City may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner will waive notice of any assessment hearing to be conducted by the City, concurs that the benefit to the property exceeds the amount of the proposed assessment, and waives all rights by virtue of M.S. § 429.081 to challenge the amount or validity of the assessment.

TBD.16 Fees

The fees for this chapter are set in the Fees Chapter of the Code.

Fridley City Code
Chapter 218. Hazardous Waste Control

218.01. ~~Statement of Policy~~

~~The City of Fridley deems it necessary to provide for the special and express regulation of hazardous waste storage and treatment facilities which exist as the principal use in order to protect the public health, safety and general welfare.~~

218.02. ~~Definitions~~

~~When used in this Chapter, the following terms have the following meanings:~~

~~Accessory Use: A subordinate use which is located on the same lot as the principal use and is necessary or incidental for the conduct of the principal use.~~

~~Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.~~

~~Environmental Assessment Worksheet or EAW: A brief document designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.~~

~~Environmental Impact Statement: A detailed written statement as required by Minnesota Statutes, Section 116D.04.~~

~~Hazardous Waste: Any refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge and source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, F as amended.~~

~~Hazardous Waste Facility: Real or personal property that is used or is constructed to be used for the management of hazardous waste.~~

~~Hazardous Waste Generation.~~

~~The act or process of producing hazardous waste.~~

~~Hazardous Waste Management. The systematic control of the collection, source separation, storage, transportation, processing, treatment, and disposal of hazardous waste.~~

~~Hazardous Waste Processing Facility. A hazardous waste facility that is designed and operated to modify the chemical composition or chemical, physical or biological properties of a hazardous material by means such as incineration, reclamation, distillation, precipitation or other similar processes.~~

~~Manifest. The form used for identifying the quantity, composition, and origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of treatment, storage or disposal.~~

~~Principal Use. The purpose for which land or building or construction is or is to be used or occupied.~~

~~Sludge: Any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.~~

~~Solid Waste: Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials from commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.~~

~~Storage: The containment within a building of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.~~

~~Treatment: Any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.~~

~~218.03.—— Special Use Permit Requirement and Zoning~~

~~1. Hazardous waste storage and treatment facilities which are principal uses may be permitted only in Heavy Industrial (M-2) Zones after a special use permit has been obtained subject to all applicable provisions of this Chapter.~~

~~2. Hazardous waste storage and treatment facilities which are accessory uses to the principal use or operation may be permitted only after a special use permit has been obtained.~~

~~218.04.—— Special Permit Approval Criteria~~

~~A Special Use Permit shall be approved only if consistent with all of the following objectives:~~

- ~~1. That the proposed hazardous waste facility is developed and operated in accordance with all applicable local, state, and federal laws, rules and regulations;~~
- ~~2. That the hazardous waste facility is developed and operated in such a manner so as to eliminate the possibility of ground water pollution in order to maintain the chemical, physical, and biological integrity of the nation's waters, in order to achieve and maintain a level of water quality which provides for the protection and propagation of fish, shell fish, and wildlife and for recreation in and on the water;~~
- ~~3. That the proposed hazardous waste facility be developed and operated in such a manner so as to eliminate air pollution;~~
- ~~4. That sufficient safeguards against spills, fires, and explosions are established to protect the public health, safety and welfare to the greatest extent possible;~~
- ~~5. That the proposed site for hazardous waste facilities be developed in such a way so as to provide for opaque screening and landscaping to minimize the negative visual impacts from such a facility on any adjacent property;~~
- ~~6. That the proposal is consistent with all applicable City of Fridley codes and regulations;~~
- ~~7. That the proposal be consistent with the City of Fridley Comprehensive Plan; and~~
- ~~8. If the Fire Department determines a need for specialized equipment, extinguishing agents or training, it shall be the responsibility of the facility owner or operator to prove same.~~
- ~~9. In addition to the above, any new principal use hazardous waste facility will not be located any closer than one thousand (1000) feet to any HUD flood plain, shoreland, wetland, body of water, or ground water recharge area or aquifer, in order to protect potential drinking water sources.~~

~~218.05. Special Use Permit Application Procedures~~

- ~~1. Prior to the submittal of a special use permit application, the developers or owners of the proposed facility shall meet with the City to review all applicable ordinances, regulations, and future plans for the area adjacent to the property being developed.~~
- ~~2. The application for the special use permit will be scheduled for a public hearing before the Planning Commission upon completion of the Environmental Quality Commission review.~~
- ~~3. The developers or owners of the proposed facility shall prepare preliminary drawings in accordance with the regulations of Section 218.07 and an environmental assessment worksheet and submit the same to the City, 60 days prior to the public hearing.~~

~~4. The Notice for Public Hearing shall be published in the official newspaper at least ten (10) days, but not more than twenty (20) days, prior to the public hearing, at which time the item will be heard. Notices will also be sent during this time period to property owners within fifteen hundred (1500) feet of the subject property.~~

~~5. The Planning Commission shall hold a public hearing on the proposed special use permit. During this public hearing, the requirements for preparing an Environmental Impact Statement will be investigated. Following the public hearing, the Planning Commission shall, within ninety (90) days, submit its recommendation to the City Council as to the appropriateness of the proposed development, and shall recommend if an Environmental Impact Statement is required and conditions of approval or disapproval, based upon the criteria set forth in Sections 218.03, 218.04 and 218.06 of this Chapter.~~

~~6. The application for the special use permit shall be scheduled for a City Council meeting.~~

~~7. The City Council, shall consider the application pursuant to Sections 218.04 and 218.06 and shall approve, disapprove, postpone, or modify the proposal.~~

~~8. If it is determined that an Environmental Impact Statement is required, the applicant must prepare this report before the City Council will take final action on the special use permit application.~~

~~9. Should the City Council approve of the application for a special use permit and preliminary plans, the applicant shall file final plans with the City. The final plans shall be processed in the same manner as the special use permit and preliminary plans. A certified copy of the special use permit shall be recorded in the Office of the Anoka County Recorder or Registrar of Titles, pursuant to Minnesota Statutes, Section 462.3595, Subd. 4.~~

~~10. Should the City Council disapprove the application for a special use permit and preliminary plans, the owners or developers may prepare another preliminary plan and resubmit to the City.~~

~~218.06. General Findings~~

~~As a prerequisite to the approval of the application for the special use permit, the City Council shall find that evidence presented established:~~

~~1. That safe and adequate access to the facility for general, service, and emergency purposes will be provided from non-residential major thoroughfares, and will not require the use of any residential collector or residential local streets;~~

~~2. That the operation of the facility will not produce fumes odors, noise, dust, smoke or gases which will adversely affect nearby properties;~~

~~3. That the issues raised in the EAW or EIS have been satisfactorily and adequately answered and addressed;~~

4. ~~That the types of soil under and within one quarter mile of all portions of the proposed site to be used for storage, treatment, loading and handling of hazardous materials, as well as under all paved surface or roads leading to the facilities, shall not have a natural percolation rate in excess of 0.75 gallons per day per square foot;~~
5. ~~That all surface water, ground water, sanitary sewer systems, and storm water systems will be protected so as to eliminate the probability of contamination by hazardous waste; and~~
6. ~~That necessary fire fighting equipment and materials are available or will be provided by the owner/operator;~~
7. ~~That the use of the proposed site for hazardous waste treatment will not endanger the public health or safety, or substantially reduce the value of adjoining or nearby property.~~

218.07. ~~Preliminary Plans Required~~

1. ~~1. Maps of the area within one half mile of the exterior property lines of the proposed site, and including the proposed site, which show:

 - A. ~~All dwelling units, other principal buildings and structures and streets;~~
 - B. ~~All significant topographical features;~~
 - C. ~~All surface water systems;~~
 - D. ~~All sanitary sewer systems;~~
 - E. ~~All storm water management systems; and~~
 - F. ~~All wells.~~~~
2. ~~An engineering certification for the proposed site and the area within one half mile of the proposed site concerning the following factors:

 - A. ~~Depth to seasonally high water table;~~
 - B. ~~Soil drainage, composition, thickness in permeability;~~
 - C. ~~Flooding, ground water recharge areas, aquifers, and flood plains;~~
 - D. ~~Depth to bedrock; and~~
 - E. ~~Prevailing wind conditions.~~~~
3. ~~Appropriate permits from the Minnesota Pollution Control Agency, Anoka County Health Board, Department of Natural Resources, State Environmental Quality Board, State Waste Management Board, and the local watershed management organization for the proposed site are~~

required. In addition, the operator must provide certificates that the proposed principal use facility is in compliance with the appropriate local, state and federal laws, rules and regulations governing air quality standards, water quality standards, and waste water standards.

~~4. A narrative explaining the estimated composition, quantities, and concentrations of any hazardous waste identified or listed by this Chapter, or combinations of any such hazardous waste and any other solid waste, proposed to be stored, treated, transported, and the time, frequency, or rate of which such waste is proposed to be stored, treated, or transported.~~

~~5. preliminary site plan The preliminary site plan shall be drawn at a minimum scale of one (1) inch equals fifty (50) feet. The submission may be composed of one (1) or more sheets and drawings and shall include:~~

- ~~A. Location of all proposed buildings and their proposed uses;~~
- ~~B. Location of driveway and parking areas;~~
- ~~C. Front, rear and side yard setbacks;~~
- ~~D. Square footage and dimensions of all proposed buildings; and~~
- ~~E. Location of all easements, width and purpose.~~

~~6. The landscape plan shall be drawn at a minimum scale of one (1), inch equals fifty (50) feet and shall contain the following information:~~

- ~~A. Areas for berming, sodding and screening;~~
- ~~B. Location of proposed plantings, identifying materials as shade tree flowering tree, coniferous tree, or shrubs;~~
- ~~C. Location of any existing vegetation; and~~
- ~~D. Identification and location of any trees to be removed.~~

~~7. A grading and drainage plan shall be drawn at a minimum scale of one (1) inch equals one hundred (100) feet and shall contain the following information:~~

- ~~A. Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;~~
- ~~B. Spot elevations on all proposed hard surface areas;~~
- ~~C. Estimated runoff of the area based upon one, ten and one hundred year storms;~~
- ~~D. Location of proposed ponding areas indicating the size and depth of the pond, and amount of acre feet of water to be stored; and~~

~~E. Finish floor elevations of all buildings.~~

~~8. Floor plans and elevations: All floor plans and elevations shall be drawn to a legible scale and include the following information:~~

~~A. Floor plans indicating square footage and dimension of all proposed rooms and areas within the structure, identifying the proposed uses for each room; and~~

~~B. Elevations of the proposed buildings, identifying exterior treatment such as materials to be used and the color~~

~~C. Interior diking and retention areas identifying the volume to be contained and method of removal.~~

~~218.08. Final Plans Required~~

~~1. A final site plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and shall contain the following information:~~

~~A. Location of proposed buildings;~~

~~B. Location of proposed driveways and parking areas;~~

~~C. Front, rear, and side yard setbacks; and~~

~~D. Square footage of all proposed buildings.~~

~~2. Final landscape plan shall be drawn at a scale of one (1) inch equals fifty (50) feet and shall contain the following:~~

~~A. Plant types (botanical and common names), number, location, size, and method of installation;~~

~~B. Areas to be sodded;~~

~~C. Location of existing vegetation;~~

~~D. Identification and location of trees to be removed.~~

~~3. Final grading and drainage plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:~~

~~A. Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;~~

~~B. Sufficient spot elevations on all proposed hard surface areas;~~

- ~~C. Estimated runoff of the area based upon a one, ten and one hundred year storms;~~
 - ~~D. Location of proposed ponding areas indicating the size and depth of the pond, and amount of acre feet of water to be stored;~~
 - ~~E. Finish floor elevations of all buildings; and~~
 - ~~F. Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development.~~
- ~~4. Final floor plans, construction drawings and elevations shall be drawn to a legible scale and shall include the following information:~~
- ~~A. Plans indicating square footage, dimension, and uses of all proposed areas within the building; and~~
 - ~~B. Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color.~~
 - ~~C. Interior diking and retention areas identifying the volume to be contained and method of removal.~~

~~218.09. Changes in Plans~~

- ~~1. If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by resubmission of a new preliminary site plan and new special use permit application to the City and rescheduling of this item before the Environmental Quality Commission, a new public hearing before the Planning Commission, and reviewal again by the City Council. The following constitute major changes:~~
- ~~A. Increase in the size of the proposed structure or development;~~
 - ~~B. Change in architectural design or style;~~
 - ~~C. Increase in the height of the building;~~
 - ~~D. A major modification to the landscape plan;~~
 - ~~E. A significant reduction in proposed open space and buffering;~~
 - ~~F. A change in the development schedule;~~
 - ~~G. Change in road location or standards; and~~
 - ~~H. Other changes as determined to be major by the City Council.~~

~~2. Minor Changes. The City Council may, in its discretion, permit minor deviations from the preliminary site plan, which do not change the concept or intent of the proposed development as previously approved.~~

~~218.10. Time Limitations~~

~~If final plan approval is not granted within a six (6) month period from the time of the approval of the special use permit application and preliminary plans, the proposal shall be declared null and void and the applicant will have to re-file a preliminary plan and special use permit application with the City.~~

~~218.11. Standards~~

- ~~1. For principal use facilities, the property must be zoned M-2, Heavy Industrial District.~~
- ~~2. Minimum setbacks from, property line, major roads, and other buildings, shall be two hundred (200) feet. Minimum setbacks from any residential structure shall be four hundred (400) feet.~~
- ~~3. Minimum lot size shall be 10 acres; maximum lot coverage shall be 25%; maximum area for parking shall be 25%; maximum building height shall be 40 feet; building materials shall be concrete or brick; and no metal buildings shall be allowed.~~
- ~~4. Minimum landscape area shall be 50%.~~
- ~~5. The entire site shall be opaquely screened so that the building or parking or storage areas cannot be seen from a public street.~~
- ~~6. Minimum tree sizes: shade trees shall be 3 1/2 inch caliber small trees shall be 3 inch caliber; flowering trees shall be 3 inch caliber; shrubs shall be 3 feet in height; and coniferous trees shall be 12 to 15 feet in height.~~
- ~~7. No migration of water overland shall be permitted beyond the property lines. All ponding of water shall be contained on the site and provisions made to contain all water runoff so as not to discharge into the municipal sanitary sewer system or any storm water system or ditch.~~
- ~~8. Concrete curb and gutter shall be required along all parking areas. All parking areas shall be concrete surfaces.~~
- ~~9. No outdoor storage shall be permitted.~~

~~218.12. Record Keeping~~

~~The operators of the hazardous waste facility shall maintain records of all hazardous waste identified or listed which is treated, transported, or stored, and the manner in which such waste are to be treated, stored, or transported. The operators of the facility shall submit a quarterly report to the City Council, identifying the treatment, storage, or transport of all such waste received by the facility.~~

218.13. — Inspection

1. ~~For the purpose of enforcing the provisions of this Chapter, any person who generates, stores, treats, transports or otherwise handles or has handled hazardous waste, shall furnish information relating to such waste upon request of the following persons: City Building Inspector; Public Works Director; Police Chief; City Manager; or the Fire Chief. Such persons at all reasonable times shall have access to and the right to copy all records relating to such waste.~~
2. ~~Any duly authorized City personnel shall be allowed at any reasonable time to enter any establishment or other place where hazardous wastes are or have been stored, treated, or transported from.~~
3. ~~Any duly authorized City personnel shall be allowed to inspect and obtain samples from any person of any such waste and samples of any containers or labeling for such containers.~~
4. ~~Any duly authorized City personnel can at any time, without prior consent, inspect the site for the possibility of any leakage, spills, or violations of any local, state, or federal law, rules or regulations.~~
5. ~~Any records, reports, or information obtained by the City shall be made available to the public.~~
6. ~~The existence of any violation of local, state or federal laws, rules or regulations shall require the closing of said facility until it has been determined by public hearing the reasons for said violations and the identification and implementation of additional safeguards to prevent future violations.~~

218.14. — Requirements of Compliance Orders

~~Any order issued pursuant to this Chapter may include a suspension or revocation of the special use permit issued under this Chapter and shall state with reasonable specificity the nature of the violation and specify a time for compliance. Any violation of this Chapter shall be considered a misdemeanor.~~

218.15. — Monitoring Analysis and Testing

1. ~~If City determines that the presence of any unauthorized hazardous wastes are being stored, treated, transported or disposed of, the City may demand that the facility be closed within four (4) hours upon written notice.~~
2. ~~If the City determines that the release of any materials from a hazardous waste facility or site may present a substantial hazard to human health or the environment, the City may issue an order requiring the owner or operator of the facility to conduct such monitoring, testing, analysis and reporting with respect to such facility or site as the City deems reasonable to ascertain the nature and extent of such hazard, including spills, leaks, explosions, and fire.~~

~~3. If the City determines that the owner or operator, is unable to conduct monitoring, testing, and analysis, or reporting satisfactory to the City, and if the City deems any such action carried out by the owner or operator to be unsatisfactory, or if the City cannot initially determine that there is an owner or operator who is able to conduct such monitoring, testing or reporting, the City may:~~

- ~~A. Conduct monitoring, testing, or analysis, which it deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned; or~~
- ~~B. Authorize the state or a local authority or testing facility to carry out any such action; and~~
- ~~C. Require the owner or operator to pay for the cost of monitoring, testing, or analysis done by outside agencies plus associated fees of 10% for City expenses.~~

~~218.16. Notice of Spills, Leaks, Explosions, Fires or Accidents~~

~~In the event of any spill, leak, explosion, fire or accident, the owner or operator of the facility is required, within a one (1) hour time period, to notify the following individuals: Fire Chief, Police Chief, Anoka County Health Department and Minnesota Pollution Control Agency. Failure to report such incidents within the one (1) hour period shall constitute a misdemeanor.~~

Fridley City Code
Chapter 212. Mining

~~212.01. FINDING AND PURPOSE~~

- ~~1. 1. The City of Fridley recognizes that surface mining exists and that this mining can be an aid to the preparation of development sites. The City further finds that it is not practicable to mine minerals required by society without disturbing the surface of the earth and producing waste materials. The danger exists that non-compatible land uses could unnecessarily deny the benefit of these materials to society in the future. It is further found that the character of mining may create undesirable land and water conditions which can be detrimental to the health, safety, welfare and property rights of the citizens of the City of Fridley. However, if properly regulated and if reclamation of surface mined lands is required, mining can take place within the City in such a manner that undesirable side effects of the operation may be restricted to an acceptable level.~~
- ~~2. The purposes of this Chapter are as follows:~~
 - ~~A. To provide for the economical availability of sand, gravel, rock, soil and other materials.~~
 - ~~B. To establish uniform and reasonable limitations, safeguards and controls in the City, for the future mining of said materials.~~
 - ~~C. To control the effect of the mining operation upon adjacent property and other areas of the City.~~
 - ~~D. To provide for the restoration of the mining operation and mining area during, and after termination of, the removal operation.~~
 - ~~E. To control and minimize pollution caused by erosion or sedimentation, all in furtherance of the health, safety and general welfare of the citizens of Fridley, Minnesota.~~

~~212.02. RELATIONSHIP TO ZONING ORDINANCE~~

~~This Chapter shall apply to areas within the City of Fridley in which the removal of minerals, including sand and gravel, is a permitted or special use. The standards and requirements set by this Chapter shall govern the issuance, renewal and termination of the mining permit.~~

~~212.03. DEFINITIONS~~

~~1. Dust.~~

~~Air-borne, inorganic particulate matter other than smoke.~~

~~_____~~
~~_____~~

~~2. Minerals.~~

~~Nonmetallic material found in the earth including, but not limited to, sand, gravel, rock and soil, which may be covered by overburden.~~

~~3. Mining,~~

~~The removal, or extraction and processing, of minerals.~~

~~4. Mining Permit.~~

~~The permit required by this Chapter.~~

~~5. Overburden.~~

~~Those materials which lie between the surface of the earth and the mineral deposit to be mined.~~

~~6. Rehabilitation.~~

~~To renew land to a self-sustaining, long-term use which is compatible with contiguous land uses in accordance with the standards set forth in this Chapter.~~

~~7. Topsoil.~~

~~That portion of the overburden which lies closest to the earth's surface and supports the growth of vegetation.~~

~~212.04. MINING PERMIT~~

~~1. Except as hereinafter provided in this Chapter, it shall be unlawful for any operator to engage in mining without having first obtained a written permit from the City of Fridley authorizing the same.~~

~~2. Operators conducting operations governed by this Chapter and for which this Chapter requires a permit, shall be notified within 15 days of the adoption of this Chapter that they are required to make application for a permit. Upon notification, operators shall have 60 days in which to complete permit applications. Failure to apply for a permit within 60 days shall be a violation of this Chapter.~~

~~212.05. EXCEPTIONS~~

~~The permit requirements established by this Chapter shall not apply to:~~

~~1. Emergency work necessary to preserve human life or property. Emergency work performed under this Section shall be reported to the City of Fridley at the earliest practical opportunity. An operator commencing emergency work shall within ten (10) days following the commencement of that activity, apply for the issuance of a mining permit and on the issuance thereof my be required to perform such work as determined to be reasonably necessary to correct any environmental impairment occasioned by such work.~~

~~2. Mining done in conjunction with a building permit or other permit required by the City.~~

~~212.06. APPLICATION FOR PERMIT~~

~~1. An application for a mining permit shall contain:~~

~~A. The name and address of the operator and owner of the land.~~

~~B. The correct legal description of the property where the extraction is proposed to occur.~~

~~C. Specifications of the following using appropriate maps, photographs, and surveys:~~

~~(1) The physical relationship of the proposed mining area to the community and existing community development.~~

~~(2) Site topography and natural features including location of water courses and water bodies within the planned mining area.~~

~~(3) The quality and quantity of minerals to be excavated.~~

~~(4) The depth of water tables throughout the planned mining area,~~

~~(5) The average thickness of overburden in the area.~~

~~D. The purpose of the operation.~~

~~E. The estimated time required to complete the operation.~~

~~F. The plan of operation, including processing (any operation other than direct mining and removal), nature of the processing and equipment, location of the plant, source of water, disposal of water, and reuse of water.~~

~~G. The travel routes to and from the site.~~

~~H. The plans for drainage, wind and water erosion control, sedimentation and dust control.~~

~~2. Referral to Planning Commission.~~

~~A. The Planning Commission shall hold a public hearing on the application within sixty (60) days and shall provide published notice of said hearing at least ten (10) days before the hearing together with mailed notice to all property owners within 200 feet of the property affected. Failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the mailed notice requirement has been made.~~

~~B. The applicant or a representative therefor shall appear before the Planning Commission in order to answer questions concerning the mining permit application. The Planning Commission shall report its findings to the Council indicating its recommendation as to approval or denial and specifying what, if any, conditions are necessary regarding the mining permit.~~

~~3. Council Action.~~

~~Upon receiving the recommendations of the Planning Commission, the City Council shall take action within sixty (60) days and may affirm or deny the application by a simple majority vote.~~

~~4. Issuance.~~

~~A. The issuance of any Mining Permit is dependent on the fact that the activities permitted will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof or to the public welfare, and will not impair the use, enjoyment, or value of any property.~~

~~B. The issuance of any Mining Permit may also be subject to conditions in order to protect the public health, safety, convenience and welfare, or to avoid traffic congestion, or hazard, or other dangers, or to promote conformity of a proposed use with the character of the adjoining property and uses, and the district as a whole, or to protect such character,~~

~~212.07. STANDARDS~~

~~1. Operation shall be conducted within the confines of the property.~~

~~2. Operation shall not be conducted within:~~

~~A. Five (5) feet of the right-of-way of an existing public utility.~~

~~B. Fifty (50) feet of the boundary of any zone where such operations are not permitted.~~

~~C. Thirty (30) feet of the boundary of an adjoining property not in mining use.~~

~~3. Fencing.~~

~~During operations, access to any area where collections of water are one and one-half (1-1/2) feet in depth or more or where excavation slopes are steeper than one (1) foot vertical to one and one-half (1-1/2) feet horizontal and any other areas where obvious danger to the public exists shall be controlled by a four (4) foot tall fence. Such fencing shall have support posts spaced every ten (10) feet.~~

~~4. Appearance and Screening.~~

~~A. Machinery shall be kept operational.~~

- ~~B. Abandoned machinery and rubbish shall be removed from the site regularly.~~
- ~~C. All structures that have not been used for a period of one (1) year shall be removed from the site.~~
- ~~D. All equipment and temporary structures shall be removed and dismantled not later than six (6) months after termination of, the mining operation or expiration of this permit.~~
- ~~E. Where practical, stockpiles of overburden and materials shall be used to screen the mining site.~~
- ~~F. Where practical, the perimeter of the mining site shall be planted or otherwise screened.~~
- ~~G. Existing trees and ground cover shall be preserved to the maximum extent feasible, and maintained and supplemented by selective cutting, transplanting and replanting of trees, shrubs, and other ground cover along all setback areas.~~

~~5. Operating Standards.~~

~~A. Noise.~~

~~The maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota Pollution Control Agency and the Environmental Protection Agency of the United States.~~

~~B. Hours~~

~~All mining operations shall be conducted between 7 a.m. and 7 p.m. Monday through Saturday only.~~

~~C. Explosives.~~

~~The use and handling of explosives shall be coordinated with the police department. Blasting shall occur only at hours specified in the permit and at no other time.~~

~~D. Dust.~~

~~Operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the Minnesota Pollution Control Agency.~~

~~E. Water Pollution.~~

~~Operators shall comply with all applicable Minnesota Pollution Control Agency regulations and Federal and Environmental Protection Agency regulations for the protection of water quality. No waste products or process residue, including untreated wash water, shall be~~

~~deposited in any lake, stream or natural drainage system, except that those lakes or ponds wholly contained within the extraction site may be so utilized.~~

~~F. Topsoil Preservation:~~

~~All topsoil shall be retained at the site until complete rehabilitation of the site has taken place according to the rehabilitation plan.~~

~~6. Rehabilitation Standards:~~

~~A. Time:~~

~~Rehabilitation shall be a continuing operation occurring as quickly as possible after the mining operation has moved sufficiently into another part of the extraction site.~~

~~B. Slopes:~~

~~All banks and slopes shall be left in accordance with the rehabilitation plan submitted with the permit application. No rehabilitated slope shall be steeper than four (4) feet horizontal to one (1) foot vertical, except that steeper slopes may be permitted in accordance with the rehabilitation plan when said slopes are planned for slope related usages, for example, ski hills and sliding hills.~~

~~C. Cover and Planting:~~

~~Slopes, graded, and backfilled areas shall be surfaced with at least three (3) inches of topsoil and planted with ground cover sufficient to hold the soil. Such ground shall be tended as necessary until it is self-sustained.~~

~~D. Slopes to Water Bodies:~~

~~No slope descending to a water body shall exceed one (1) foot vertical to four (4) feet horizontal.~~

~~E. Water bodies:~~

~~All water areas resulting from excavation shall be rehabilitated as follows:~~

~~(1) All standing bodies, except those approved for storm water retention, will be filled with acceptable fill material by the end of each construction season.~~

~~(2) Any water body to be used for storm water retention must be approved by the Engineering Department.~~

~~F. Final Elevation:~~

~~No part of the rehabilitated area which is planned for utilization for uses other than open space or agriculture shall be at an elevation lower than the minimum required for gravity connection to sanitary and storm sewer.~~

~~212.08. FEES & BOND~~

- ~~1. The annual permit fee and expiration date shall be as provided by Chapter 11 of this Code.~~
- ~~2. The applicant shall post a surety bond acceptable to the City or a certified check in an equivalent amount for the sum of \$1,000 per acre or fraction thereof for the land to be subjected to the mining operation running to Fridley to secure satisfactory performance of the requirements set forth in this Chapter.~~

~~212.09. VALIDITY _____~~

~~The validity of any word, section, clause, paragraph, sentence, part or provision of this Chapter shall not effect the validity of any other part of this Chapter which can be given affect without such invalid part or parts.~~



RECODIFICATION REPORT

Introduction

To aid accessibility and clarity in understanding of proposed updates to large, and sometimes complicated chapters of the Fridley City Code (Code), this Recodification Report (Report) will accompany select ordinances as they are introduced to the City Council. The Report will illuminate substantive changes to the Code (e.g., addition or removal of a section, fee changes, policy updates, etc.). It will not point out grammatical, punctuation, renumbering, or stylistic changes.

Title Placement

- | | |
|---|---|
| <input type="checkbox"/> Title 1 – General Provisions | <input type="checkbox"/> Title 6 – Zoning |
| <input type="checkbox"/> Title 2 – Administration | <input type="checkbox"/> Title 7 – Licensing |
| <input type="checkbox"/> Title 3 – Health, Safety and Welfare | <input type="checkbox"/> Title 8 – Franchises, Utilities and Right-of-Way |
| <input type="checkbox"/> Title 4 – Public Nuisance | <input type="checkbox"/> Title 9 – Public Ways and Places |
| <input checked="" type="checkbox"/> Title 5 – Lands and Buildings | <input type="checkbox"/> Appendices |

Chapter Information

Chapter Title: Residential Rental Property Maintenance and Licensing Code

Recodification Liaisons: Stacy Stromberg, Planning Manager, Mary Dooher, Rental Manager, Danielle Herrick, City Management Intern; Melissa Moore, City Clerk

Current Chapter Number: 220

New Chapter Number: TBD

Substantive Changes

Section Number	Current Code	Proposed Changes
220.01-04	Introduction to chapter that defined titles of chapter, preamble, scope and purpose.	Condense information into a singular Purpose statement pursuant to recodification guidelines.
220.05	Prohibited discrimination.	Staff recommend deletion as it is antiquated. These protections are offered through federal and state protections. Additionally, these acts will be prevented through the City's Fair Housing Policy.
220.10	Minimum Standards for Principle Structures.	Deleted a section requiring all heating systems be operated in accordance with manufacturer requirements per City Attorney. Section is redundant as



RECODIFICATION REPORT

		other sections require systems be properly installed.
220.14	Conduct of Licensed Premises	Deleted list of prohibited actions because other cities have been sanctioned for such lists as suggested by City Attorney.
220.16	Emergency Cases	Addition to allow City to forward costs to landlord when City makes emergency repairs. As suggested by Staff.
220.20	Appeal	Updated appeal section to follow appeal procedure found in Title 2 as suggested by Staff.

Fridley City Code

Chapter ~~220.TBD.~~ Residential Rental Property Maintenance and Licensing Code~~220.01.— Title~~

~~This Chapter shall be referred to as the "Residential Rental Property Maintenance and Licensing Code".~~

~~220.02.— TBD.01 Preamble Purpose~~

The City of Fridley (City) believes that providing for public health, safety, and welfare to its citizens mandates the existence of a rental property licensing and maintenance program which corrects substandard conditions and maintains a standard for rental property. This Chapter establishes licensing, inspection and maintenance requirements for rental dwellings.

~~220.03.— TBD.02 Scope~~

Except as provided herein, this Chapter applies to all buildings which are rented in whole or in part as a dwelling ~~for to~~ persons other than the property owner. It includes all accessory ~~_structures such as garages and storage buildings,~~ and appurtenances ~~such as sidewalks and retaining walls, which are on the lot where the rental property is located.~~

~~220.04.— Purpose~~

~~This Chapter establishes licensing, inspection, and maintenance requirements for rental dwellings.~~

~~220.05.— Discrimination and Private Contracts~~

~~This Chapter shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public health, safety and welfare. The City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the nonconformity of any premises in the City to the provisions of this Ordinance. Nothing in this Ordinance precludes a Licensee from entering into a contract for the maintenance, repair, or management of a rental dwelling; in such cases, however, Licensee will still be held responsible to ensure the condition of the property conforms with this Chapter.~~

~~220.06.— TBD.03 Definitions~~

~~For the purpose of this Chapter, certain terms and words are defined. Words not specifically defined in this Chapter shall have their ordinary meanings within the context with which they are used. The referenced dictionary of the governing Minnesota State Building Code shall will be considered as providing ordinarily accepted meanings.~~

Whenever the words "Dwellings", "Dwelling Unit", "Building", "Structure", or "Premises" are used in this Chapter, they shall will be construed as though they were followed by the words, "or any part thereof."

~~The following words, terms, and phrases and their derivatives shall be construed as defined in this section; words used in the singular include the plural and the singular; words used in the masculine gender include the feminine and vice versa.~~

~~1.—Accessory Structure or Use: A subordinate building or use which is located on the same lot as principal building or use and is which is necessary or incidental to the conduct of the principal building or use.~~

~~2.—Approved:~~

~~Approved as to construction, installation, and maintenance in accordance with all applicable codes and state statutes.~~

~~3.—Basement: That portion of a building between floor and ceiling which is partly below grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.~~

~~4.—Bedroom: A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not to include any kitchen or dining area.~~

~~5.—Building: Any structure having walls and a roof, built for the shelter or enclosure of persons, animals, or property of any kind.~~

~~6.—Clean:~~

~~The absence of rubbish, garbage, vermin, and other unsightly, offensive, or extraneous matter.~~

~~7.—Compliance Official: The designated authority charged with the administration and enforcement of the Fridley City Code (Code) ~~this code~~, or ~~his/her~~ their duly authorized representative.~~

~~8.—Condominium: A building containing multiple dwellings in which portions are designated for separate ownership and the remainder ~~of which~~ is designated for common ownership solely by the owners of ~~these separate dwellings portions~~. A building containing multiple dwellings is not a condominium unless the undivided interests in the common elements are vested in the unit owners.~~

~~9.—Dwelling: A building or one or more portions of a building occupied or intended to be occupied for residential purposes.~~

~~10.—Dwelling, Multiple: A building or one or more portions of a building occupied or intended to be occupied for residential purposes by two ~~(2)~~ or more individuals or families with separate living units independently of each other.~~

~~11.—Dwelling, One-Family: A detached building designed exclusively for occupancy by one ~~(1)~~ individual or family.~~

~~12. Dwelling, Two-Family: A detached building designed exclusively for occupancy by two (2) individuals or families with two (2) separate living units independently of each other.~~

~~13. Dwelling Unit: A single unit meant to provide complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.~~

~~14. Easily Cleanable: Readily accessible and of such material and finish, and so fabricated and placed that residue which may accumulate can be completely removed by normal cleaning methods.~~

~~15. Electrical System.~~

~~Any and all methods of transmitting electricity to and within any dwelling or dwelling unit.~~

~~16. Exit.~~

~~A continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, and yards.~~

~~17. Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, or trapping, or by any other recognized or legal pest elimination methods approved.~~

~~18. Family~~

~~1. An individual or two or more persons legally related by blood, marriage, domestic partnership, or adoption, including foster children, in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings.~~

~~B.—2. A group of not more than five (5) persons not related by blood, or marriage, domestic partnership, foster care, guardianship, or adoption living together in a dwelling unit.~~

~~19. Floor Area, Gross: The sum of the gross horizontal area of the several floors of a structure or structures measured from the exterior faces and exterior walls or from the center line of common walls separating dwelling units. Basements devoted to storage and/or off-street parking shall may not be included.~~

~~20. Functioning.~~

~~In such physical condition as to safely perform the service or services for which an item is designed or intended.~~

~~21. Governing Building Code.~~

~~The applicable edition of the Minnesota State Building Code.~~

~~22. Habitable Room: A room or, enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, pantries, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, and attics.~~

~~23. Heated Water.~~

~~Heated water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.~~

~~24. Heating, Ventilating and Air Conditioning Systems.~~

~~Any and all units, equipment, material, and miscellaneous devices used in the process of heating, ventilating, and air conditioning of any dwelling or dwelling unit.~~

~~25. Infestation: The presence within or around a dwelling or dwelling unit of an unusually large number of insects, rodents, vermin, or other pests causing damage or distress to the occupants of the dwelling.~~

~~26. International Building Code (I.B.C.): Shall mean ~~the~~ The code published by the International Code Council, Inc., and any materials referenced therein.~~

~~27. Kitchen.~~

~~A habitable room within a dwelling unit intended to be used for the cooking of food or the preparation of meals.~~

~~28. Let, Operate or Rent: To permit possession or occupancy of a dwelling or dwelling unit, whether or not compensation is paid, by a person who is not the legal owner of the dwelling unit record thereof, pursuant to a written or unwritten lease.~~

~~29. Licensee: The owner of property licensed as a rental dwelling pursuant to this Chapter.~~

~~30. Living Room.~~

~~A habitable room within a dwelling unit which is intended to be used primarily for general living purposes.~~

~~31. Lodging House.~~

~~Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor, or otherwise.~~

~~32. Maintenance.~~

~~To keep in a good state of repair; to preserve from deterioration.~~

~~33. Non-combustible.~~

~~Any material or a combination of materials which complies with the current version of the Minnesota State Building Code, including the most recent adopted version of the International Building Code and International Residential Code incorporated therein by reference.~~

~~34. Non-resident Owner.~~

~~An owner of a rental dwelling who does not reside or live in the rental dwelling.~~

~~35. Nuisance.~~

~~A nuisance shall be any act as defined in Chapter 110 of the City Code.~~

~~36. Occupancy: The purpose for which a structure, or part thereof, is used or intended to be used.~~

~~37. Occupant: Any person residing in a dwelling or dwelling unit.~~

~~38. Operator, Manager, Caretaker, or Agent: Any person who has charge, care or control of a structure, or part thereof, in which rental dwelling units are let.~~

~~39. Owner: Any person, firm, corporation, or agent who alone, jointly or severally with others having a legal or equitable interest in the property or recorded in the official state, county or city records has holding title to the property or otherwise having control of the property.~~

~~40. Person: An individual, corporation, firm, association, company, partnership, organization, or any other legal entity.~~

~~41. Plumbing System: All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents, and any other similar fixtures and the installation thereof, together with all connections of water, sewer, or gas lines.~~

~~42. Premises: A platted lot or portion thereof or an unplatted parcel of land and adjacent right-of-way either occupied or unoccupied by a building and/or accessory structure.~~

~~43. Property.~~

~~All land and structures and systems therein, platted lots or parts thereof or an unplatted parcel of land.~~

~~44. Proper Connection to an Approved Sewer System.~~

~~A functioning sewer connection free from defects, leaks or obstructions with sufficient capacity to drain all fixtures or appliances which feed into it. The sewer system must be capable of disposing of sewage in a safe, sanitary, and adequate manner.~~

~~45. Proper Connection to an Approved Water System.~~

~~A functioning plumbing connection free from defects, leaks or obstructions providing a potable, controllable flow of water.~~

~~46. Public Areas.~~

~~Those areas which are normally used by or open to the general public, regardless of access restriction by a locked exterior door.~~

~~47. Reasonable Care.~~

~~The treatment of all facilities, fixtures, equipment, and structural elements such that depreciation of these objects and materials is due to their age and normal wear rather than due to neglect.~~

~~48. Refuse: Any solid or liquid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes, organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchens, dining rooms, markets, or food establishments of any places dealing in or handling meat, fowl, grain or vegetables; offal, animal excrete or the carcass of animals; tree or shrub trimmings; grass clippings, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, tires, junk; or other such substance which may become a nuisance.~~

~~49. Rental Dwelling or Rental Dwelling Unit: A dwelling or dwelling unit and accessory structure (if any) let for rent or lease. The term rental dwelling ~~shall~~ will include all dwelling units located within the rental dwelling.~~

~~50. Repair.~~

~~To restore to a sound and acceptable state of operation, serviceability or appearance in the determination of the City.~~

~~51. Retaining Wall: A wall or structure constructed of stone, concrete, wood, or other materials used to retain soil, as a slope transition, or edge of a planting area.~~

~~52. Rodent Harborage: Any place where rodents live, nest, or seek shelter.~~

~~53. Rodent -Proof: A condition where a structure or any part thereof is protected from rodent infestation by eliminating ingress and egress openings such as cracks in walls and holes in screens.~~

For the purpose of this ~~Chapter~~ ordinance, the term "rodent-proof" ~~shall~~ may be construed as though it included "insect-proof" and "vermin-proof."

~~54. Safe.~~

~~The condition of being free from danger and hazards which may cause accidents or disease.~~

~~55. Story.~~

~~That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it; if there is no floor above it, the space between the floor and the ceiling above it. A basement is a story for the purposes of height regulations if one-half (1/2) or more of the basement height is above the level of the adjoining ground.~~

~~56.—Structure: Anything constructed or erected which requires location on or under the ground or attached to something having location on or under the ground.~~

~~57.—Unsafe: As applied to a structure, a condition or combination of conditions which are dangerous or hazardous to persons or property.~~

~~58. Unsanitary.~~

~~Conditions which are dangerous or hazardous to the health of persons.~~

~~59. Use.~~

~~The purpose for which land, a building, or structure is or is to be used or occupied, and shall include the performance of such activity as defined by the performance standards of this Chapter.~~

~~60. Water Closet: A toilet, with a bowl and trap made in one piece, which is connected to the City water and sewer system or other approved water supply and sewer system.~~

~~61. Yard: All ground, lawn, court, walk, driveway, or other open space constituting part of the same premises and on the same lot with a main building.~~

~~220.07.—~~ TBD.04 Responsibility of Owners

The owner of a dwelling or dwelling unit ~~shall be~~ is responsible for the maintenance of ~~that~~ structure and for meeting the provisions of this Chapter. ~~Those~~ These responsibilities may not be abrogated by a private agreement.

~~220.08.—~~ TBD.05 Joint Responsibilities of Occupants and Owners

1. No owner, operator, or occupant of any dwelling unit ~~shall~~ should allow the accumulation or formation of dirt, filth, refuse, or rodent harborages on the premises which they occupy or controls ~~in a manner that could create a health hazard to the dwelling occupants or the general public.~~

2. ~~Nuisances: No owner, operator, or occupant of any dwelling unit shall~~may allow the formation or presence of any nuisances in or ~~about~~on the premises ~~he/she/they~~occupies or controls.

3. ~~Conduct on licensed premises: Every owner, operator, or occupant of any dwelling unit shall conform to the provisions of Section 220.14 of this Chapter.~~

220.09. ~~TBD.06~~ Removal of Equipment and Discontinuance of Basic Services

No owner, operator, or occupant ~~shall~~may cause any service, utility, facility, or equipment ~~which is required under this Chapter, to be removed from or shut off from any occupied dwelling or dwelling unit except for such temporary interruptions as may be necessary while~~during actual repairs or alterations are in process or during temporary emergencies.

220.10. ~~TBD.07~~ Minimum Standards for Principal Structures

1. Minimum Exterior Standards

(a) Foundations, exterior walls, and roofs: The foundation, exterior walls, and exterior roof ~~shall~~must be water-tight, rodent proof, and ~~shall~~ be kept in sound condition and repair. Every window, exterior door, and hatchway ~~shall~~must be substantially tight and ~~shall~~must be kept in sound condition and repair. The foundation ~~shall~~must adequately support the building at all points. Exterior walls ~~shall~~must be maintained and kept free from dilapidation by cracks, tears, or breaks or from deteriorated plaster, stucco, brick, wood, or other material that is extensive and gives evidence of long neglect. The protective surface on exterior walls of a building above ground level ~~shall~~must be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building ~~shall~~will be deemed to be out of repair if:

(1) The protective surface is paint which is blistered to an extent of more than ~~twenty-five percent (25%)~~ of the area of any plane or wall or other area including window trim, cornice members, porch railings, and other such areas;

(2) More than ~~ten percent (10%)~~ of the pointing of any chimney or ~~twenty-five percent (25 percent%)~~ of the pointing of any brick or stone wall is loose or has fallen out.

(3) More than ~~twenty-five percent (25%)~~ of the finish coat of a stucco wall is worn through or chipped away.

Any exterior surface or plane required to be repaired under the provisions of this section ~~shall~~must be repaired in its entirety. If a weather resistant surface such as brick, plaster, or metal is covered with paint that is more than ~~twenty-five percent (25%)~~ blistered, it ~~shall~~must be repainted unless the defective paint covering is removed in its entirety.

(b) Accessory Structure Maintenance. Accessory structures supplied by the owner, operator, or occupant on the premises of a dwelling ~~shall~~ must be structurally sound, and be maintained in good repair and appearance. Exterior walls, foundations, roofs, and exits of ~~an~~ accessory structures ~~shall~~ must be maintained in accordance with the standards set forth for principal structures.

(c) Fence Maintenance. Fences ~~shall~~ must be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, ~~shall~~ must be protected against decay by use of paint or other preservatives. If ~~twenty-five percent (25%)~~ or more of the painted surface of a fence is determined by the Compliance Official to be paint blistered, the surface ~~shall~~ must be properly scraped and repainted.

(d) Retaining Walls. Retaining walls ~~shall~~ must be kept in good condition, repair, and appearance. A retaining wall ~~shall~~ will be deemed out of repair when it has substantially shifted or slumped out of its original design position.

(e) Yard Cover. All exposed areas surrounding (or within) a principal or accessory use, including street boulevards which are not devoted to parking, drives, sidewalks, patios, or other such uses, ~~shall~~ must be landscaped with grass, shrubs, trees, or other ornamented landscape material and ~~shall~~ must be maintained to prevent erosion from wind and/or water runoff. Such landscaping ~~shall~~ must be maintained in good condition and free of noxious weeds. Grass and weeds may not exceed ~~ten (10)~~ inches in height at any time.

(f) Gutters and Downspouts. Existing gutters, leaders, and downspouts ~~shall~~ must be maintained in good working condition as to provide proper drainage of storm water. In no case ~~shall~~ may storm water be channeled into the sanitary sewer system. ~~Neither shall~~ In no case may storm water, ice, or snow be directed into, or channeled across walkways or streets where it is likely to be a hazard to life or health.

(g) Exterior Lighting. For multiple family dwellings, all exterior parking areas ~~shall~~ must be provided with an average, maintained, horizontal illumination of six-tenths ~~(0.6)~~ foot candles. Parking lot illumination ~~shall~~ may not be directed onto a public street or adjoining property.

(h) Snow and Ice Removal. The owner of a dwelling containing two ~~(2)~~ or more dwelling units ~~shall~~ be responsible for cleaning and maintaining all walks, drives, and parking areas, and keeping steps free of any ice or any snow accumulations of two or more inches within 24 hours of the storm's completion.

(i) Driving and Parking Areas. The owner of a multiple family dwelling or dwellings ~~shall~~ is ~~be~~ responsible for providing and maintaining ~~in good condition~~ all paved and delineated parking areas and driveways in good condition for occupants ~~consistent with the City Code~~.

(j) Facilities for Storage and Disposal of Refuse. Every owner of a residential property ~~shall~~ is ~~be~~ responsible for providing and maintaining facilities for the storage and disposal of

refuse and for arranging for the collection of ~~refuse~~~~this material as required by the City Code.~~

(k) Grading and Drainage. Every yard, court, or passageway on ~~a rental property~~~~the premises on which a dwelling stands~~ must be maintained in a way to prevent the excessive accumulation of standing water ~~which constitutes a detriment to the health and safety of the occupants or the general public.~~

2. Minimum Plumbing Standards. All plumbing systems in every dwelling unit and in all shared or public areas ~~shall~~must be properly installed and maintained in a sanitary, safe, and functioning condition, and ~~shall~~must be properly connected to an approved sanitary system.

(a) Every fixture, facility, or piece of equipment requiring a sewer connection ~~shall~~must have a functioning connection, free from defects, leaks, or obstructions, and ~~shall~~must possess sufficient capacity to drain all other fixtures, facilities, or pieces of equipment which feed into it. The sewer system must be capable of conveying all sewage into the municipal sanitary sewer system.

(b) Every fixture, facility, or piece of equipment requiring a water connection ~~shall~~must have a functioning connection, free from defects, leaks, or obstructions. Each water connection ~~shall~~must possess sufficient capacity to adequately supply all fixtures, facilities, or pieces of equipment to which connected with an uncontaminated, controllable flow of water.

3. Minimum Electrical Standards. Every dwelling unit and all public and private areas ~~shall~~must be supplied with electric service, functioning and safe circuit breakers or fuses, electric outlets, and electric fixtures which are properly installed and maintained in a safe working condition. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures ~~shall be~~are as follows:

(a) Dwellings containing one or two dwelling units ~~shall~~must have at least the equivalent of ~~sixty (60)~~ ampere, electric service per dwelling unit;

(b) Dwelling units ~~shall~~must have at least one ~~fifteen (15)~~ ampere branch electric circuit for each ~~six hundred (600)~~ square feet of dwelling unit floor area;

(c) Every habitable room ~~shall~~must have at least one floor or wall-type electric convenience outlet for each ~~sixty (60)~~ square feet or fraction thereof of total floor area, and in no case less than two such electric outlets. Temporary wiring, extension cords, or drop cords ~~shall~~may not be used as permanent wiring. In cases where more than two outlets are required, one ceiling or wall-type light fixture may be substituted for one required outlet. Required outlets ~~shall~~must, insofar as possible, be spaced equal distances apart;

(d) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room ~~shall~~must contain at least one supplied ceiling or wall-type electric light fixture and every bathroom and laundry room ~~shall~~must contain at least one electric convenience outlet;

(e) Every public hall and stairway in every multiple family dwelling ~~shall~~ must be adequately ~~lighted~~ by natural or electric light at all times, so as to provide illumination having an intensity of not less than one foot candle at floor level to all parts thereof. The lights in the public halls and stairways of dwellings containing not more than two dwelling units may be controlled by conveniently located switches instead of full-time lighting;

(f) A convenient switch for turning on a light in each dwelling unit ~~shall~~ must be located near the principal point of entrance to such unit. A patio door entrance may be exempt if it is not a principal entrance;

(g) If provided, exterior electrical outlets ~~shall~~ must be weather proofed. No electrical drop cords, extension cords, or electrical wires ~~shall~~ may extend across a walkway or driveway, or otherwise create a hazard to pedestrians or vehicles.

4. Minimum Heating Standards

(a) All dwellings must have primary heating facilities which are properly installed and maintained in a safe, efficient working condition and which can maintain a minimum indoor temperature of not less than 68 degrees F at a point three feet above the floor in all habitable rooms, bathrooms and water closet compartments in every dwelling unit location therein, pursuant to Minnesota Statute (M.S.) § 216B.096, commonly referred to as the Minnesota Cold Weather Rule.

(b) Gas or electric appliances designed specifically for cooking or water heating purposes, and portable heating equipment, ~~shall~~ are not be considered primary heating facilities for the purposes of this Section.

~~C. No owner or occupant shall install, operate, or use a heater employing a flame that is not installed and maintained in accordance with the manufacturer's specifications and applicable City and State Codes.~~

~~(d)~~ (c) Whenever the occupant lacks direct control over the primary heating facility to his/h~~er~~er dwelling unit, it ~~shall~~ be the responsibility of the owner to maintain minimum heating standards as set forth above.

5. Water Heating Standards: Every dwelling unit ~~shall~~ must have supplied water heating facilities which are installed in an approved manner, properly maintained, and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facilities, or other similar units at a temperature of not less than ~~one hundred ten degrees (110 degrees) Fahrenheit, forty-six degrees (46 degrees) Celsius~~, at any time needed. Water temperatures ~~shall~~ must comply with but not exceed the standards stipulated in the most recently adopted Minnesota Energy Code.

6. Minimum Natural Light and Ventilation Standards: Every habitable room ~~shall~~ must have window area of no less than eight percent ~~(8%)~~ of the floor area and at least one window

facing directly outdoors which can be opened easily. At minimum, the total openable window area of every habitable room ~~shall must~~ be four percent ~~(4%)~~ of the floor area of the room, and in no case less than four ~~(4)~~ square feet. In lieu of natural ventilation, a mechanical ventilating system may be provided which is capable of providing two air changes per hour, with ~~twenty percent (20%)~~ of the air supply taken from the outside. Every bathroom and water closet compartment ~~shall must~~ have at least ~~fifty percent (50%)~~ of the openable window requirement otherwise appropriate for the floor area, except that no windows ~~shall may~~ be required if such rooms are equipped with an exhaust fan connected directly to the outside, capable of providing five ~~(5)~~ air changes per hour. For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or ~~twenty five (25)~~ square feet, whichever is greater. Windows ~~shall may~~ not be required in kitchens of dwelling units when such kitchen has an opening of at least ~~twenty (20)~~ square feet into an adjoining habitable room and when such kitchen is provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room referred to above ~~shall may~~ be of sufficient size so as to provide for the light and ventilation requirements of the kitchen area as well as for said adjoining habitable room.

7. Minimum Structural Standards

(a) Floors, Interior Walls, and Ceilings. Every floor, interior wall, and ceiling ~~must shall~~ be adequately protected against the passage and harborage of vermin, rodents, and insects. Every floor ~~must shall~~ be free of loose, warped, protruding, or rotted flooring materials and all floor covering ~~must shall~~ be maintained in good condition. Every interior wall and ceiling ~~must shall~~ be free of holes and large cracks, loose plaster, and blistered paint and ~~must shall~~ be maintained in good condition. Lead based paints classified toxic to children ~~must shall~~ not be used on wall or molding surfaces. Every toilet room, bathroom, and kitchen floor surface ~~must shall~~ be easily cleanable and maintained in good condition.

(b) Stairways, Porches, and Balconies. Every stairway, inside or outside of a dwelling, and every porch or balcony, ~~must shall~~ be kept in safe condition and sound repair. Every flight of stairs and every porch and balcony floor ~~must shall~~ be free of structural deterioration. Every stairwell and every flight of stairs which is more than three risers high ~~must shall~~ have at least one handrail approximately ~~thirty to thirty eight (30-38)~~ inches high, measured vertically from the nose of the stair tread to the top of the handrail. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than ~~thirty (30)~~ inches above grade or floor below, and roofs used for other than service of the building ~~must shall~~ be protected by a guardrail; guardrails ~~must shall~~ be not less than ~~thirty six (36)~~ inches in height. Open guardrails and open stair railings on unenclosed stairways ~~must shall~~ have intermediate rails such that a sphere four ~~(4)~~ inches in diameter cannot pass through. Every handrail and balustrade ~~shall must~~ be firmly fastened and maintained in good condition. A flight of stairs which has settled out of its intended position, or pulled away from the supporting or adjacent structures enough to cause a hazard, must be repaired. No flight of stairs ~~shall may~~ have rotting, loose or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs ~~shall must~~ be uniform in width and height. Stairways ~~must~~

~~shall~~ be capable of supporting loads that normal use may cause to be placed thereon. The minimum dimensions that will be accepted for existing stairways are as follows: rise not to exceed eight ~~(8)~~ inches in height, run of treads to be not less than nine ~~(9)~~ inches in depth.

(c) Windows, Doors, and Screens. Every window, exterior door, and hatchway ~~must shall~~ be substantially tight and ~~must shall~~ be kept in sound condition and repair. Every window other than a fixed window or storm window, ~~must shall~~ be capable of being easily opened. Every window or other device with openings to outdoor space which is used or intended to be used for ventilation ~~must shall~~ be supplied with ~~sixteen~~ (16) mesh screens. All windows on basement and first floor levels ~~must shall~~ have proper locking devices to prevent opening from the outside. All doors and door and window frames ~~must shall~~ be free of blistered paint and ~~shall must~~ be maintained in good condition. All door and window hardware and locks ~~must~~ all be functional and be maintained in good condition.

(d) Safe Building Elements. Every roof, floor, ~~every porch, and~~ balcony, stairway, and every appurtenance thereto, ~~must shall~~ be safe to use and capable of supporting loads that normal use may cause to be placed thereon.

(e) Access to Dwellings. Access to and egress from each dwelling ~~must shall~~ be provided by at least one doorway that is a minimum of ~~thirty-six~~ (36) inches wide and ~~eighty~~ (80) inches high and otherwise complies with the fire exit provisions of the ~~City's Fire Code~~.

(f) Minimum Ceiling Height. The ceiling height of any habitable room ~~must shall~~ be at least seven ~~(7)~~ feet; except that in any habitable room under a sloping ceiling, at least one-half of the floor area ~~shall may~~ have a ceiling height of at least seven ~~(7)~~ feet, and the floor area of that part of such a room where the ceiling height is less than five ~~(5)~~ feet ~~shall may~~ not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

(g) Rooms Below Grade. A room located partly or wholly below grade may be used as a habitable room of a dwelling unit provided all of the requirements of this ~~Chapter Ordinance~~ are met. If a room below grade is used for sleeping purposes, an emergency escape or egress must be provided. Acceptable means of egress include:

(1) Escape or rescue window with a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension ~~shall will~~ be 24 inches. The minimum net clear openable width dimension ~~must shall~~ be 20 inches. The finished sill height ~~shall may~~ not exceed 44 inches above the floor.

(2) Exterior-type door or hatch meeting the same minimum requirements as specified in ~~this Chapter 220.10.07. (G)-(I)~~.

(h) Door Locks and Security. All doors leading to public or shared areas from all dwelling units ~~must shall~~ be ~~provided furnished~~ with a single cylinder deadbolt lock, ~~which must be~~ openable from the interior without the use of a key or tool. Deadbolt, night latch, or chain locks must be mounted at a height not to exceed 48" inches from the finished floor and a minimum of 34" inches from the finished floor. The deadbolt must be capable of being

locked from the exterior of the unit. Manually operated flush bolts or surface bolts are not permitted.

8. Minimum Interior Standards

(a) Kitchen Facilities. Every kitchen in every dwelling unit ~~must shall~~ include the following:

(1) A kitchen sink in good working condition and properly connected to an approved water supply system. It ~~must shall~~ provide at all times an adequate amount of heated and unheated running water under pressure and be connected to an approved sewer system.

(2) Cabinets ~~and/or~~ shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets ~~and/or~~ shelves and counter or table ~~must shall~~ be, adequate for the permissible occupancy of the dwelling unit and ~~must shall~~ be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(3) A stove and a refrigerator which are properly installed with all necessary connections for safe, sanitary, and efficient operation. ~~Provided that such~~ The stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied ~~and or~~ when the occupant ~~is expected~~ has agreed, in a written lease, to provide ~~same~~ the devices on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator, or similar devices must be provided.

(b) Toilet Facilities. Within every dwelling unit, there ~~must shall~~ be a ~~nonhabitable~~ habitable room with an entrance door which affords privacy to a person within ~~said~~ room. ~~The room must be and which room is~~ equipped with a flush water closet in good working condition. ~~Said~~ The flush water closet ~~shall must be equipped with~~ have easily cleanable surfaces, ~~shall must~~ be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to ~~be~~ operated properly, and ~~shall must~~ be connected to an approved sewer system.

(c) Lavatory Sink. Within every dwelling unit, there ~~must shall~~ be a lavatory sink. ~~Said~~ The lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink ~~must shall~~ be located in close proximity to the door leading directly into the room ~~in which said~~ where water closet is located. The lavatory sink ~~shall must~~ be in good working condition, ~~and shall~~ be properly connected to an approved water system, ~~and shall~~ provide ~~at all times~~ an adequate amount of heated and unheated running water under adequate pressure, and ~~shall must~~ be connected to an approved sewer system.

(d) Bathtub or Shower. Within every dwelling unit, there ~~shall must~~ be a non-habitable room which affords privacy ~~to a person within said room~~ and which is equipped with a bathtub or shower in good working condition. ~~Said~~ The bathtub or shower may be in the same room as the flush water closet, or in another room, ~~and shall must~~ be properly

connected to an approved water supply system, ~~and shall provide at all times an adequate amount of heated and unheated water under adequate pressure, and must shall be connected to an approved sewer system.~~

(e) Every bathroom and water closet compartment ~~shall must have a least fifty percent (50%) of the openable window requirement otherwise appropriate for the floor area, except that no windows shall may be required if such rooms are equipped with an exhaust fan connected directly to the outside, capable of providing five (5) air changes per hour.~~

9. Minimum Standards for Pest Extermination

(a) All openings in the exterior walls, foundations, basements, ground or first floors, and roofs ~~must shall~~ be rodent-proofed in a manner approved by the Compliance Official.

(b) All windows used or intended to be used for ventilation, all other openings, and all exterior doorways which might provide an entry for rodents and insects, ~~must shall~~ be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents and insects into the structure.

(c) All sewers, pipes, drains, ~~or~~ conduits, and openings around such pipes and conduits ~~shall must~~ be constructed to prevent the ingress or egress of rodents and insects to or from a building.

(d) Interior floors of basements, cellars, and other areas in contact with the soil ~~shall must~~ be rodent-proofed in a manner approved by the Compliance Official.

(e) The owner or operator of a dwelling unit ~~is shall~~ be responsible for the extermination of rodents, insects, or other vermin on the premises. ~~Anyone who controls is contracted to eliminate pests in a structure must have a pest control license. ~~Anyone who uses a restricted use pesticide must have a pesticide license to apply pesticides, in accordance with the requirements of the Department of Agriculture. If proper heat treatments are being used to eradicate bed bugs and the heat treatment is performed by the owner of the property and they are not using pesticides and are not charging the renter for the treatment, no license is required by the Department of Agriculture.~~~~

10. Minimum Energy Standards. All dwellings which are renter occupied during all or a portion of the months of November through April ~~must shall~~ comply with the following weatherization requirements:

(a) Install weatherstripping between exterior operable window sash and frames and between exterior doors and frames. Weatherstripping is not required on storm doors or storm windows.

(b) Caulk, gasket, or otherwise seal accessible exterior joints between foundation and rim joist; around window and door frames; between wall and roof; between wall panels; at penetrations for utility services through walls, floors and roofs, and all other openings in the exterior envelope.

(c) Install storm windows on all single glazed exterior window units enclosing conditioned space.

(d) Install storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule, or other appurtenance provides a double door effect or provides an "R" value of two ~~(2)~~ or more.

(e) Install positive shut-offs for all fireplaces or fireplace ~~stoves, unless stoves unless~~ an existing damper provides a positive shut-off.

(f) Install insulation in accessible attics to achieve a minimum total "R" value of the insulation of R-19. If there is insufficient space for the installation of the recommended "R" value, then the available space must ~~shall~~ be insulated to capacity.

(g) Install insulation in accessible walls and floors enclosing conditioned spaces to achieve a minimum total "R" value of the insulation of R-11 when there is no insulation in a substantial portion of the exterior walls or floors over an unconditioned space. Accessible walls ~~shall~~ may not include above grade foundation walls of basements. If there is insufficient space for the installation of the recommended "R" value, then the available space must ~~shall~~ be insulated to capacity.

11. Occupancy Standards. Notwithstanding any private agreements between the landlord and occupant providing for more restrictive occupancy standards, the maximum occupancy standards ~~shall be~~ are:

(a) No more than one family ~~shall~~ may occupy a dwelling unit; and

(b) The maximum number of occupants in any rental dwelling unit ~~shall~~ may not exceed the total of two times the number of bedrooms and the living room the following formula: number of bedrooms x 2 + 1 = maximum occupancy.

220.11. ~~TBD.08~~ Hazards

The following are considered immediate hazards to the health, safety, and general welfare of the occupants of a dwelling unit.

1. Heating systems that are unsafe due to burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; ~~not being properly~~ improper ventilation; ~~being connected with unsafe gas piping connection; or failure~~ ing to meet the minimum heating standards set forth in ~~Section 220.10.04~~ this Chapter.

2. Water heaters that are unsafe due to burned out or rusted out ~~h~~ heat exchangers (fire box); burned out, rusted out or plugged flues; ~~not being~~ improperly ventilation; ~~being connected with unsafe gas piping connection; or lack of a properly installed and maintained temperature and pressure relief valve.~~

3. Electrical systems that are unsafe due to dangerous overloading; damaged or deteriorated equipment; improperly taped or spliced wiring; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; or ungrounded systems or appliances.
4. Plumbing systems that are unsanitary due to sewer backups; leaking waste system fixtures and traps; lack of water closet; lack of washing and bathing facilities; or cross connections of potable water supply and sewer lines.
5. Structural systems, walls, windows, chimneys, ceilings, roofs, foundations and floor systems that ~~will not~~cannot safely carry imposed loads or provide safe living conditions.
6. Refuse, garbage, human waste, decaying vermin, ~~or~~ other dead animals, or other materials rendering it unsanitary for human occupancy.
7. Infestation of rodents, insects, vermin, ~~and~~ or other pests.
8. Missing or non-functioning smoke detectors and carbon monoxide detectors.
9. Using a room or rooms with no proper egress ~~for sleeping as a bedroom.~~
10. A dwelling unit that is not serviced with functioning utilities.

220.12. ~~—~~ TBD.09 Fire Safety

1. Fire Exits

- (a) ~~All Pursuant to the Minnesota State Building Code, all dwellings shall~~ must have required fire exits, maintained in fully operable condition, and readily accessible to occupant, ~~as per the governing Building Code.~~
- (b) All exit stairways in multiple dwellings or condominiums which have ~~ing~~ more than two ~~(2)~~ occupied levels ~~shall~~ must be separated from each other by a substantial separation of at least a one-hour fire resistance rating as detailed in the most recent edition of the I.B.C., or other approved one hours assembly.
- (c) All multiple unit dwellings or condominiums having more than two ~~(2)~~ levels and where the lowest level is at an elevation less than grade and having the exit at grade level ~~shall~~ must provide a substantial barrier constructed and placed so as to prevent a person from proceeding down the stairs to a level lower than the level of exit.
- (d) All multiple unit dwellings or condominiums with 25 or more dwelling units must ~~shall~~ provide emergency lighting in the exit ways, corridors, and systems in accordance with ~~Chapter 5-1021 of the N.F.P.A. Std. 101~~ standards of the National Fire Protection Association.

2. Automatic Alarms

(a) All multiple dwellings and condominiums having an excess of four ~~(4)~~ dwelling units ~~shall~~ must provide a manually operated fire alarm system capable of alerting all the occupants of the structure. Each such alarm system ~~must~~ shall be activated by a manual pull station located at each exit door and by an automatic device located in the utilities ~~and/or~~ room in which the primary heating system is located. Such devices ~~must~~ shall be a smoke detector, detecting products of combustion other than heat, and bearing the approval of the Underwriters Laboratories or Factory Mutuals Testing Service for such service, or the International Conference of Building Officials.

(b) Every dwelling unit within a dwelling or condominium ~~must~~ shall be provided with a smoke detector, detecting products of combustion other than heat, and conforming to the requirements of the Underwriters Laboratories or approved by the International Conference of Building Officials. When actuated, the detector ~~must~~ shall provide an alarm in the dwelling unit.

3. Fire Protection System. All fixed and portable fire protection systems and appliances must be accessible and maintained for immediate emergency use.

4. Prohibiting Inside Connection of External Appliances. ~~It shall be unlawful for an~~ No owner of a rental dwelling ~~to~~ may allow electrical drop cords, extension cords or any electrical wire to run from any electrical outlet from inside the dwelling or dwelling unit for service to an electrical appliance outside of the dwelling or dwelling unit.

220.13. ~~—~~ TBD.10 Licensing

1. License Requirement

(a) Except as otherwise provided herein, no person ~~shall~~ may operate, let, or cause to be let, a rental dwelling or rental dwelling unit without first having obtained a rental license from the City of ~~Fridley~~. Upon receipt of a properly executed initial application for a rental license, the Compliance Official ~~and/or his/her~~ their ~~designated agent~~ designee ~~shall cause an~~ will inspection ~~to be made of the premises~~ the property to determine whether the structure is in compliance with this Chapter, other chapters of the Code ~~other Fridley ordinances~~, and the laws and rules of the State of Minnesota. Each rental license ~~will~~ shall be issued annually and ~~shall~~ expires 12 ~~twelve~~ months from the date of issuance. Renewal applications ~~shall~~ must be filed at least ~~thirty~~ (30) days prior to the license expiration date. Every rental dwelling, including all rental units, may be inspected after a renewal license application is filed to determine if the premises still conforms to all applicable ~~ordinances~~ and codes.

(b) Any owner of a rental dwelling who does not reside within the eleven-county metro area comprising of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright counties must appoint a designated agent residing within the eleven-county area. The designated agent must be listed on the application and empowered by the property owner to perform maintenance, upkeep, and emergency

repairs for the rental dwelling. The Compliance Official must be notified in writing within ten (10) business days of any change in designated agent.

2. Conformance. No rental license ~~shall~~may be issued or renewed unless the rental dwelling conforms to the provisions of this Chapter, the ~~ordinances of the City Code~~, and the laws, ~~rules~~rules, and regulations of the State of Minnesota.

3. Fees

(a) The annual license fee for a rental license, and for reinspection, is ~~shall be as provided in Chapter 11~~the Fees Chapter of the City Code.

(b) Any rental inspection ~~which requires~~requiring three or more inspections or attempts for an inspection will be assessed an additional inspection fee. This fee will be charged starting on the third inspection and will include ~~attempts to prior inspections~~ and ~~for each subsequent inspections~~ or ~~attempted inspections~~. ~~The reinspection fee shall be as provided in Chapter 11 of the City Code for each reinspection needed after the initial inspection and the second inspection.~~ No license ~~shall~~may be issued or renewed until all outstanding fees and fines in ~~Section 220.15, Subd. 3,~~pursuant to this Chapter have been paid, other than those which may be assessed against the property. ~~If a rental dwelling has been licensed, the license may be denied at the time of renewal or may be revoked or suspended in the manner described in Section 220.13.07.~~

(c) In order to restore a license for a rental dwelling or individual dwelling unit which has had its license denied at the time of renewal or revoked or suspended, the license application ~~shall~~must be accompanied by the license fee as provided in ~~Chapter 11 of the City code~~the Fees Chapter of the Code.

~~D. — A fee as provided in Chapter 11 of the City Code shall be paid when filing the license Transfer Form as required in Section 220.13.06.~~

~~E. —~~ (d) Failure to obtain a rental license prior to letting or operating a rental dwelling or allowing a rental license to expire will result in a ~~twenty five percent (25%)~~ addition to the rental license fee. Continued noncompliance with the licensing requirements may result in a criminal citation.

4. Application Requirements and Process

(a) Application Requirements. License application ~~must~~shall be made by the owner of record of the property. Application forms may be acquired from and ~~subsequently~~ filed with the Compliance Official ~~within the Community Development Rental Licensing/Inspections Division~~. The applicant ~~shall~~must supply the following information as well as all other information requested on the rental license application:

(1) Name, address, telephone number, and email address of the property owner ~~if an individual, and, if an entity, the same information for at least one officer, manager or~~

- ~~director of the entity or managing agent.~~ The City must be notified in writing within ~~ten (10)~~ days of any change of address or other requested information for the owner.
- (2) Name, address, telephone number, and email address of a designated agent or operator, if different from the owner. The City must be notified in writing within ~~ten (10)~~ days of any change of address or other requested information for the designated agent or operator.
- (3) Name, address, and telephone number of vendee if dwelling is being purchased through a contract for deed or mortgage (name of lender or financial institution holding mortgage). Proof of recording the contract for deed ~~documentation and/or filing~~ in Anoka County must be provided with the application.
- (4) Legal address of the property where the rental dwelling is located.
- (5) Number of units in each rental dwelling and the types of units that ~~(one (1) bedroom, two (2) bedroom, etc.)~~ exist within each of the rental dwellings.
- (6) The number of paved off street parking spaces available, if requested ~~(e.g. enclosed parking spaces, exterior parking spaces, and handicap parking spaces) to available to tenants, if requested.~~
- (7) Description of procedure through which for tenant ~~inquires~~ inquiries and complaints, if requested ~~are to be processed.~~
- ~~(8) Each owner of a rental dwelling within the City, when the owner does not reside within the eleven-county metro area comprising of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright counties, must appoint a designated agent residing within the eleven-county area. The designated agent must be listed on the application and empowered by the property owner to perform maintenance and upkeep and empowered to institute emergency repairs for the rental dwelling. The Compliance Official shall be notified in writing within ten (10) business days of any change in designated agent.~~
- (b) Inspection Required. Licensed rental dwellings are ~~at all times~~ subject to the Compliance Official's right to inspect the rental dwelling and dwelling units to determine whether they are in compliance with the ~~city code~~ Code and state law. The ~~Inspection Department Compliance Official shall~~ will set up a schedule of periodic inspections to ensure ~~city-wide~~ City-wide compliance with this Chapter. ~~The Compliance Official shall~~ will provide reasonable notice to the owner or operator ~~of as to~~ the date and time of the inspection. Every occupant of a dwelling unit ~~shall~~ must give the owner or operator or their thereof, or his/her agent or employee, access to any part of ~~such the~~ dwelling unit, ~~or its premises,~~ at reasonable times for the purposes of effecting inspection, maintenance, repairs, or alterations as ~~are necessary to comply with the provisions of this Chapter.~~ If any owner, operator, occupant, or other person in charge of a dwelling or dwelling unit fails or refuses to permit ~~free~~ access and entry to the ~~structure or~~ premises under ~~their~~ his/her control for an inspection pursuant to this Chapter, the Compliance Official may

seek a court order authorizing ~~such an~~ inspection. The submission of a rental license application or the possession of a rental license issued by the City ~~shall will~~ constitute agreement to such inspection by the owner identified on the rental license.

5. Posting of License. Licensees ~~shall cause~~ must conspicuously post a copy of the rental license for the rental dwelling ~~to be conspicuously posted~~ in a frame with transparent protective covering in the main entry way of the rental dwelling or other conspicuous location ~~therein~~.

6. License Transferability. Rental licenses may be transferred upon completion of a license transfer application, payment of the license transfer fee, and written approval by the Compliance Official.

7. License Suspension, Revocation or Conversion to Provisional License. The City may revoke, suspend, convert to a provisional license, deny, or decline to renew any rental license applied for or issued under this Chapter ~~as detailed here~~.

(a) Suspension, Revocation, or Conversion to Provisional License. Every rental license issued under the provisions of this Chapter is subject to suspension, revocation, or conversion to a provisional license for the entire rental dwelling or for individual rental dwelling units by the City Council (Council) if the licensee fails to operate or maintain the licensed rental dwelling(s) and dwelling units in compliance with the provisions of this Chapter, all applicable ordinances of the City Code, and the laws and regulations of the State of Minnesota.

(b) A rental license may also be suspended, denied, converted to a provisional license, not renewed or revoked for any of the following reasons:

(1) The license was obtained by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The licensee or applicant has failed to comply with any condition set forth in any permits granted by the City related to the rental dwelling.

(4) The activities of the licensee on the rental dwelling premise have created a serious danger to the public health, safety or welfare.

(5) The rental dwelling contains conditions that might injure or endanger the safety, health or welfare of any member of the public.

(6) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the rental license.

(7) Failure to include the Crime Free/Drug Free Lease Addendum in all leases as required by this Chapter.

(8) A violation of any other term and condition of the rental license or of this Chapter.

(c) Hearing. Upon violation of any of the terms and conditions of a rental license, the Council may hold a hearing to consider the suspension, revocation or conversion to a provisional license. At this hearing, the licensee will be provided with due process, including:

(1) Interested parties may be represented by an attorney, present evidence, witnesses, and cross-examine all adverse witnesses, and

(2) The City will make a complete record of all proceedings, including findings of fact and conclusions of law.

~~A.(d) Notification. The Compliance Officer shall~~ must send written notice to the licensee of the date and time of a hearing before the ~~city council~~ Council regarding any license application or any potential revocation, suspension or conversion to a provisional license. ~~Such n~~ Notice must ~~shall~~ be sent to the owner's and/or agent's address on file with the City ~~and shall be sent~~ not less than ~~twenty ten (20)~~ 10 days from the date of any ~~license-related~~ the hearing.

~~B. Hearing. Upon violation of any of the terms and conditions of a rental license, the city council may hold a license hearing for consideration of the suspension, revocation or conversion to a provisional license. At any such hearing, the licensee shall be provided with due process, including:~~

~~(1) Allowing interested parties the right of legal representation, the right to present evidence, witnesses, and to cross-examine all adverse witnesses, and~~

~~(2) Making a complete record of all proceedings, including findings of fact and conclusions of law.~~

~~A. Suspension, Revocation, or Conversion to Provisional License. Every rental license issued under the provisions of this Chapter is subject to suspension, revocation, or conversion to a provisional license for the entire rental dwelling or for individual rental dwelling units, by the City Council, should the licensee fail to operate or maintain the licensed rental dwelling(s) and dwelling units therein in compliance with the provisions of this Chapter, all applicable ordinances of the City, and the laws and regulations of the State of Minnesota.~~

~~B. A rental license may also be suspended, denied, converted to a provisional license, not renewed, or revoked for any of the following reasons:~~

~~(1) The license was procured by misrepresentation of material facts, by fraud, by deceit, or by bad faith.~~

~~(2) The applicant or one acting in his/her behalf made oral or written misstatements or misrepresentations or material facts in or accompanying the application.~~

- (3) ~~The licensee or applicant has failed to comply with any condition set forth in any other permits granted by the City of Fridley.~~
- (4) ~~The activities of the licensee in the licensed activity create or have created a serious danger to the public health, safety, or welfare.~~
- (5) ~~The rental dwelling, the building of which such dwelling is a part, or any portion thereof, contains conditions that might injure or endanger the safety, health or welfare of any member of the public.~~
- (6) ~~Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the rental license.~~
- (7) ~~Failure to include the crime free/drug free lease addendum in all leases as required by this Chapter.~~
- (8) ~~A violation of any other term and condition of the rental license or of this Chapter.~~

(e) Effect of Suspension or Revocation. In the event that a rental license is suspended or revoked by the ~~city council~~Council for any violation under the provisions of ~~Chapter 220~~this Chapter, it ~~shall~~will be unlawful for the owner or ~~their~~his/her duly authorized agent to ~~thereafter~~ permit any new occupancies ~~in~~of vacant, ~~or thereafter vacated~~ rental units ~~until~~until such time as a valid operating license is restored to the affected units. Issuance of a new license after suspension or revocation ~~shall~~will be ~~is~~be made in the same manner as provided for obtaining an initial license.

(f) Terms of Provisional License. At the time of approval of the provisional license, the ~~city council~~Council ~~shall~~may approve a mitigation plan to address and prevent future license violations. ~~The~~ mitigation plan may include adding security measures, improving the exterior of the property, reducing or changing the hours of operation, holding neighborhood meetings, or ~~taking other measures that~~other steps the ~~city council~~Council deems appropriate.

8. Posted to Prevent Occupancy. Whenever any dwelling or individual dwelling unit has been denied a license, has had its license suspended or revoked pursuant to ~~Section 220.13~~this Chapter, or is unfit for human habitation, it ~~shall~~will be ~~posted~~marked with a placard by the Compliance Official to prevent further occupancy. No person, other than the Compliance Official or ~~their~~his/her ~~representative~~designee, ~~shall~~may remove or tamper with any placard ~~used for posting~~. The Compliance Official will post on the placard the date that the vacancy ~~shall~~will become effective. On or after the placard vacancy date, no person ~~shall~~may reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy.

9. Failure to Obtain License. If it is determined that a rental dwelling or rental dwelling unit is being operated without a valid license, an immediate inspection ~~shall~~will be conducted. It ~~shall be~~is unlawful for an owner, designated agent, or operator, after notice sent by first class mail, to continue operation of a rental dwelling unit without submitting an application for a

license under this Chapter, along with the necessary license fee. Once an application has been made, it ~~is~~ shall be unlawful for the owner, or ~~his/her~~ duly authorized ~~their~~ agent, to permit any new occupancies of vacant, ~~or thereafter vacated~~ rental units until such time as the license is issued.

10. Issuance of Rental License. If the rental dwelling is in compliance with this Chapter, ~~all applicable ordinances of the City Code~~ and the laws and regulations of the State of Minnesota, a license ~~shall~~ will be issued to the present owner or ~~his/her~~ their designated agent. If the City finds that the circumstances of the occupancy following the issuance of the license involve possible Code violations, substandard maintenance, or abnormal wear and tear, the City may reinspect the premises during the licensing period.

11. Additional License Conditions

(a) Licensees must, as a continuing obligation of a license, maintain a current register of tenants and other person(s) who have lawful right to occupancy of rental properties. ~~In its~~ their application, the licensee must designate the person(s) who will have possession of the register and must promptly notify the City of any change of the identity, address or telephone number of such person(s). The register must be made available for inspection by the City at all times.

(b) Licensees are responsible for the acts or omissions of their managers and operators.

(c) The licensee or manager is required to complete one educational course of the Crime-Free/Drug Free-Rental Housing Program, or similar course, as approved by the City Manager or their designee. ~~The certification must be complete within one (1)-year of initial license issuance and repeated once every five (5)-years.~~ ~~Program attendees will be~~ are required to pay a participation fee in an amount determined to cover the cost of the program.

(d) The licensee or manager must provide all tenants with a written lease which must include the City approved Crime Free/Drug Free Lease Addendum ~~crime free/drug free rental housing addendum~~. The lease and addendum must be made available for review by the City Manager or their designee upon request.

(e) All licensees or managers must complete a criminal background check on all occupants of a dwelling and provide proof of completion of said background check at the request of the City Manager or their designee.

(f) Licensees ~~shall~~ must comply with ~~state statutes~~ State law regarding completion of background checks on all managers, caretakers, and agents.

12. Exemptions. No rental license is required for the following:

(a) Hotels

(b) Motels

(c) Hospitals

(d) State-licensed residential care facilities

(e) Assisted living facilities

(f) Nursing homes

(g) Single-family homes or duplexes in which the owner resides within a portion of the single-family home or duplex, and if the building is a duplex, only that portion of the building in which the owner resides is exempt. The other portion of the duplex requires a rental license.

~~220.14.~~ TBD.11 Conduct on Licensed Premises

1. It ~~is~~ shall be the responsibility of the licensee to see that residents, guests or other persons affiliated with the resident occupying a premises ~~conduct themselves in such a manner and avoid engaging in illegal conduct so as not to cause the premises to be disorderly. For purposes of this Section, a premises is disorderly when illegal conduct occurs on the premises, including any of the following types of illegal conduct in violation of the listed statutes:~~

~~A. Minn. Stat. SS 609.75 through 609.76, which prohibit gambling.~~

~~B. Minn. Stat. SS 609.321 through 609.324 which prohibit prostitution and acts relating thereto;~~

~~C. Minn. Stat. SS 152.01 through 152.025, and S 152.027, subds.1 and 2, which prohibit the unlawful sale or possession of controlled substances;~~

~~D. Minn. Stat. S 340A.401, which regulates the unlawful sale of alcoholic beverages;~~

~~E. Minn. Stat. S 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;~~

~~F. Minn. Stat. SS 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon; or~~

~~G. Minn. Stat. S 609.72, which prohibits disorderly conduct.~~

~~H. Fridley City Code 124.07, prohibiting public nuisance noises, and Chapter 110 of the City Code prohibiting public nuisances.~~

~~I. Minn. Stat. SS 609.221, 609.222, 609.223, 609.2231, and 609.224 regarding assaults in the first, second, third, fourth, and fifth degree.~~

- J. ~~Minn. Stat. SS 609.50 which prohibits interference with police officer;~~
- K. ~~Minn. Stat. SS 609.713 which prohibits terroristic threats;~~
- L. ~~Minn. Stat. SS 609.715 which prohibits presence of unlawful assembly;~~
- M. ~~Minn. Stat. SS 609.71 which prohibits riot;~~
- N. ~~Minn. Stat. SS 609.226 and 347.56, relating to dangerous dogs;~~
- O. ~~Minn. Stat. SS 609.78 which prohibits interfering with "911" phone calls;~~
- P. ~~Minn. Stat. SS 609.229 which prohibits crime committed for benefit of a gang;~~
- Q. ~~Minn. Stat. SS 609.26, Subd. 1(8) which prohibits causing or contributing to a child being a runaway;~~
- R. ~~Minn. Stat. SS 609.903 which prohibits racketeering;~~
- S. ~~Minn. Stat. SS 607.23 which prohibits indecent exposure;~~
- T. ~~Minn. Stat. SS 609.595 which prohibits criminal damage to property;~~
- U. ~~Minn. Stat. SS 152.027, Subd. 4, which prohibits unlawful sale or possession of small amounts of marijuana;~~
- V. ~~Minn. Stat. SS 260B.425 which prohibits contributing to the delinquency of a child.~~

~~2. Incidents where the victim and suspect are "family" or "household" members as defined in the Domestic Abuse Act, found in Minn. Stat. SS 518.01 and Where there is a report of "dDomestic aAbuse" as defined in the Domestic Abuse Act or where the tenant is the victim of an order for protection violation under Minn. Stat. SSM.S. § 518B.01, Subdsubd. 14, the incident will shall not be considered "Disorderly Use" of the premises for purposes of requiring owners to proceed against a tenant who is the victim in such situations under the Crime Free/Drug Free Lease Addendum.~~

~~32. The Public Safety Director or their designee shall is be responsible for determining when there has been an incident of illegal conduct that constitutes disorderly use of the licensed premises.~~

~~43. Upon determination by the Public Safety Director or their designee that a licensed premises or an individual dwelling unit was used in a disorderly manner, as described in subsection 1this Chapter, or otherwise used in violation of the Crime Free/Drug Free Lease Addendumcrime free/drug free lease addendum, the Public Safety Director or their designee shall must notify the licensee of the violation and direct the licensee or their a legally constituted agent or operator to take steps to prevent further violations. Notice may be personally delivered toserved on the licensee or legally constituted, agent or operator, sent~~

by certified mail to the licensee, ~~and legally constituted agent,~~ or operator's last known address, or, if the licensee, agent, or operator does not acknowledge receipt of the notice ~~neither method of service effects notice,~~ by posting the notice in ~~on~~ a conspicuous place on the rental unit and mailing a copy of the notice of the violation by first class mail. The notice ~~shall~~ will direct the licensee to take steps to prevent further violations. A copy of ~~said the notice shall~~ must ~~also~~ will be sent by first class mail to the occupant ~~in violation of subsection 1.~~ The owner ~~shall~~ must notify the tenant or tenants within ~~ten (10)~~ days of the notice of violation of the disorderly use constituting a violation of the Crime Free/Drug Free Lease Addendum ~~crime free/drug free lease addendum,~~ ~~and~~ The owner shall ~~must~~ further take steps to prevent further disorderly use violations.

54. Upon a second violation within ~~twelve (12)~~ months of any one previous instance of disorderly use of a rental dwelling or dwelling unit ~~as described in subsection 1,~~ notice of the disorderly use violation ~~shall~~ will be sent to the ~~property owner~~ licensee, agent, or operator. The notice ~~shall~~ will require the licensee to submit a written report of the actions taken, ~~and proposed or to be taken,~~ to prevent further disorderly use violations. ~~This written report shall~~ must be submitted to the Public Safety Director or their ~~designee~~ within ~~ten (10)~~ business days of receipt of ~~such~~ the notice and ~~must~~ shall detail all actions taken in response to ~~all~~ the notices regarding violations of ~~subsection 1~~ within the preceding ~~twelve (12)~~ months. If no written report is received ~~within the required timeframe for the response,~~ the rental license for the property or the individual dwelling unit may be denied, revoked, suspended, not renewed, or converted to a provisional license. An action to deny, revoke, suspend, convert to a provisional license, or not renew a license under this Section ~~shall~~ will be initiated by the ~~city council~~ Council at the request of the Public Safety Director ~~in the manner described in Section 220.13.07.~~ The ~~owner~~ licensee, agent, or operator must notify the tenant or tenants within ~~ten (10)~~ days of the notice of violation of the disorderly use constituting a violation of the Crime Free/Drug Free Lease Addendum ~~crime free/drug free lease addendum,~~ and owner ~~shall~~ must take steps to prevent further disorderly use violations.

65. If a third or subsequent violation in an ~~of~~ subsection 1 involving residents, guests, or other persons affiliated with the resident occupying an individual dwelling unit occurs within ~~twelve (12)~~ months after the first of two ~~(2)~~ previous instances for which notices ~~(pursuant to this section)~~ were sent to the licensee, the rental license may be denied, revoked, suspended, converted to a provisional license or not renewed. An action to deny, revoke, suspend, convert to a provisional license, or not renew a license under this section ~~Chapter~~ shall ~~may~~ be initiated by the ~~city council~~ Council at the request of the Public Safety Director or their designee ~~in the manner described in Section 220.13.07.~~

76. No adverse license action ~~shall~~ may be imposed if the violation of ~~subsection 1~~ occurred during the pendency of eviction proceedings ~~(unlawful detainer)~~ or within ~~thirty (30)~~ days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, ~~other occupants,~~ or their ~~occupant's~~ guests. Eviction proceedings ~~shall~~ will not be a bar to adverse license action, ~~however,~~ unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, convert to a provisional license, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if ~~it appears that~~ the licensee has taken appropriate measures which will ~~to~~ prevent further disorderly use of the premises. The owner ~~shall~~ must notify the tenant

or tenants within ~~ten~~(10) days of the notice of violation of the disorderly use constituting a violation of the Crime Free/Drug Free Lease Addendum, ~~crime free/drug free lease addendum~~, and the owner shall take steps to prevent further disorderly use violations.

87. A determination that the licensed premises or dwelling unit has been used in violation of ~~this subsection 1 shall~~Chapter will be made ~~upon~~ a preponderance of evidence to support ~~such a~~the determination. It ~~shall is not be necessary that for~~ criminal charges to be brought to support a determination of violation ~~to subsection 1~~, nor ~~will~~shall the fact of a dismissal or acquittal of criminal charges operate as a bar to adverse license action under this ~~section~~Chapter.

220.15.—TBD.12 Compliance

1. The City Manager ~~shall will~~ designate ~~the a~~ Compliance Official to administer and ~~to enforce~~ the provisions of this Chapter. ~~The Compliance Official is hereby~~ authorized to cause inspections on a scheduled basis ~~and/or~~ when reason exists to believe that a violation of this Chapter has been or is being committed.

2. Whenever the ~~city~~Compliance Official determines that any dwelling or dwelling unit fails to meet the provisions of ~~Section 220.07 through 220.14~~ of this Chapter, the City may issue a compliance order setting forth the violations of this Chapter and ordering the owner, agent, operator, or occupant to correct such violation. This compliance order ~~shall~~must:

(a) Be in writing.

(b) Describe the location and nature of the violation in this Chapter.

(c) Specify a reasonable time in which violations must be corrected.

(d) Be ~~provided to the~~served on licensee. ~~The compliance order must be~~Service shall be sufficient if personally delivered~~served~~, posted in a conspicuous place on or about the premises, or ~~if~~ mailed by first class mail to the licensee's last known address on file ~~pursuant to Section 220.13.04.~~

3. The Compliance Official may investigate complaints ~~relating~~related to the rental dwelling or dwelling unit. The Compliance Official ~~shall~~must contact the owner or agent to verify that the owner or agent is aware of the complaint. ~~If deemed necessary by the Compliance Official,~~ an inspection of the unit may be conducted to determine if there are violations to this Chapter and other applicable ordinances of the ~~city~~City and ~~the State~~ laws and regulations of the ~~State of Minnesota.~~ ~~If the inspection reveals that an ordinance or code~~ Code violation exists, the Compliance Official ~~shall~~must notify the owner or agent ~~pursuant to subsection (2) of the violation.~~ ~~Unless the correction or repair is an emergency case as regulated in Section 220.16,~~ the owner or agent ~~must~~shall comply with the timeframes established in the Compliance Order; ~~it is not expected that repairs or corrections are completed within twenty four (24) hours.~~

220.16.—TBD.13 Emergency Cases

When a violation of ~~Section 220.11~~ of this Chapter constitutes an imminent peril to life, health, safety, or property, the City may require immediate compliance and, if necessary, take appropriate action to correct the violation. The City may bill the costs of repair to the owner of the property and, in the case of nonpayment, may assess the cost of the repairs to the property.

~~220.17.~~—TBD.14 Collection of Recyclables

Every owner of a multiple dwelling of 13 or more units or other units not serviced under the City contract for recycling services ~~shall~~ must arrange and contract for at least monthly collection of recyclables to include at least newsprint, glass (food and beverage), aluminum, steel, and tin cans, and corrugated cardboard. A copy of the owner's contract for recycling services ~~shall~~ must be submitted to the City in conjunction with the annual renewal of the rental license.

~~220.18.~~—TBD.15 Unfit for Human Habitation

1. Declaration. Any structure dwelling or dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, infested, or ~~which~~ lacks provision for illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or general welfare of the occupants or to the public may be declared unfit for human habitation by City Manager or their designee, or the applicable state authority. Whenever any structure, dwelling, or dwelling unit has been declared unfit for human habitation, the City ~~shall~~ will order ~~same~~ the dwelling vacated within a reasonable time and ~~shall~~ must post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such structure dwelling or dwelling unit ~~shall~~ will be revoked.

2. Vacated Dwelling. It ~~shall be~~ is unlawful for a vacant ~~structure~~ dwelling or dwelling unit, ~~which that~~ has been declared unfit for human habitation, ~~as provided above,~~ to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the City. ~~It shall be unlawful for any person to deface or remove the declaration placard from any such structure dwelling or dwelling unit.~~

3. Secure Unfit and Vacated Dwellings. The owner of any ~~structure~~ dwelling or dwelling unit ~~that, which~~ has been declared unfit for human habitation, or ~~which~~ is otherwise vacant for a period of 60 days or more, ~~shall~~ must ~~make same safe and secure~~ the unit so that it is not hazardous to the health, safety, or general welfare of the public and does not constitute a public nuisance. Any vacant dwelling or dwelling unit with unguarded open ~~at~~ doors or windows ~~is considered, if unguarded,~~ shall be deemed to be a hazard to the health, safety, and general welfare of the public and a public nuisance within the meaning of this Chapter and ~~Chapter 110~~ the Public Nuisances Chapter of the Code.

4. Hazardous Building Declaration. In the event that a dwelling or dwelling unit has been declared unfit for human habitation and the ~~owner~~ licensee, agent, or operator has not remedied the defects within a prescribed reasonable time, then it may be declared a hazardous building and treated consistent with the provisions of ~~Minnesota Statutes, Section~~ M.S. §§ 463.15-463.261.

220.19.—TBD.16 Execution of Compliance Codes

Upon failure to ~~comply with~~abide by a compliance order within the ~~given time set and no appeal having been taken~~, the ~~city council~~Council may, by resolution, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy ~~shall~~will be placed against the subject property and may be levied and collected as a special assessment in the manner provided by ~~Minnesota Statutes, M.S.~~ Chapter 429.

220.20.—TBD.17 Appeal

~~When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this Chapter, such person may appeal the compliance order as provided under Chapter 6 of the City Code. The filing of an appeal shall stay all proceedings, unless such a stay would cause imminent peril to life, health, safety, or property.~~

1. Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.

2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

3. The filing of an appeal will stay all proceedings, unless such a stay would cause imminent peril to life, health, safety or property.

220.21.—TBD.18 Transfer of Ownership

Anyone securing an interest in ~~the a~~ dwelling or dwelling until ~~which that~~ has received a violation tag or compliance order ~~shall is~~ be bound by the ~~ordersame~~ without further service of notice and ~~shall be~~ is liable to all penalties and procedures under this Chapter.

220.22.—TBD.19 No Warranty by City

By enacting and undertaking to enforce this ~~Chapter ordinance~~, neither the ~~city~~City nor its ~~council~~Council, agents, or employees warrant or guarantee the safety, fitness, or suitability of any dwelling in the City, and any representation to the contrary by any person is a misdemeanor. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare. -A warning in substantially the foregoing language ~~shall~~will be printed on the face of the license.

220.23.—Severability

~~Every section, provision, or part of this Chapter is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall will not invalidate any other section, provision, or part thereof.~~

220.24.—PENALTIES

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~It is a misdemeanor for any person to prevent, delay, or provide false information to the Compliance Official, or his/her representative, while they are engaged in the performance of duties set forth in this Chapter.~~



RECODIFICATION REPORT

Introduction

To aid accessibility and clarity in understanding of proposed updates to large, and sometimes complicated chapters of the Fridley City Code (Code), this Recodification Report (Report) will accompany select ordinances as they are introduced to the City Council. The Report will illuminate substantive changes to the Code (e.g., addition or removal of a section, fee changes, policy updates, etc.). It will not point out grammatical, punctuation, renumbering, or stylistic changes.

Title Placement

- | | |
|---|---|
| <input type="checkbox"/> Title 1 – General Provisions | <input type="checkbox"/> Title 6 – Zoning |
| <input type="checkbox"/> Title 2 – Administration | <input type="checkbox"/> Title 7 – Licensing |
| <input type="checkbox"/> Title 3 – Health, Safety and Welfare | <input type="checkbox"/> Title 8 – Franchises, Utilities and Right-of-Way |
| <input type="checkbox"/> Title 4 – Public Nuisance | <input type="checkbox"/> Title 9 – Public Ways and Places |
| <input checked="" type="checkbox"/> Title 5 – Lands and Buildings | <input type="checkbox"/> Appendices |

Chapter Information

Chapter Title: Signs

Recodification Liaisons: Stacy Stromberg, Planning Manager, Nancy Abts, Associate Planner, Danielle Herrick, City Management Intern; Melissa Moore, City Clerk

Current Chapter Number: 214

New Chapter Number: TBD

Substantive Changes

Section Number	Current Code	Proposed Changes
214.03	Establishes general provision for sign placement	Updated free standing sign requirements to allow for business to have temporary signs in front of their business while open.
214.05	Establishes general signs prohibited	Updated to provide clarity on timelines for city to take action, respond to permits and corrective action measures against violators.
214.07	Establishes sign requirements by zoning district	Various nominal updates that provide clarity on sign location and sign type allowed in each zoning district.
214.08	Requires sign erectors be licensed	Repealed. Sign contractors are regulated by the State.

Fridley City Code
Chapter ~~214~~-TBD. Signs

~~214.01~~TBD.01 Purpose

The purpose of this Chapter is to provide a comprehensive and constitutionally-sound sign ordinance providing for the regulations ~~of signs~~ in the City of Fridley (City). Regulation of signs is necessary to prevent traffic hazards and ~~personal and/or~~ property damage. The purpose of this Chapter is to:

1. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare;
2. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
3. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
4. Provide for the fair and consistent enforcement of this Chapter.

It is not the purpose or intent of this Chapter to regulate the message displayed on any sign, to regulate any building design or any display not defined as a sign, nor to regulate any sign which cannot be viewed from outside a building.

~~214.02~~TBD.02 Definitions

Abandoned Sign: A sign which:

1. ~~Is~~ Continues to be displayed after expiration of a Sign Permit;
2. Remains after the demolition of a principal structure located on the ~~real~~ property where the Sign is located.

Any ~~Sign~~ sign meeting this definition ~~shall~~ will be considered abandoned even if the Sign is legally nonconforming or authorized pursuant to a Special Use Permit or variance.

Address Sign: A sSign consisting of numbers or numbers and a street name, identifying the address of a building ~~and/or~~ property.

Alteration: Any major change to a sSign sStructure, a sSign fFace, or a sSign aArea. Alteration does not include changes to the sSign's message if the message solely is changed without altering the sSign fFace, sSign sStructure, or the surface of the sSign.

Area Gateway Sign: A permanent, free-standing sSign located near a principal entrance of a residential or commercial property or group of properties sharing a common identity (e.g., plat, neighborhood, development, etc.).

Banner: A type of Temporary Sign comprised of any fabric, vinyl, or similar lightweight or non-rigid material, attached on all edges or corners to prevent movement of the material. Banner will include flags with a dimensional ratio exceeding 1.9 as established in this Chapter.

Bench Sign: A sSign which is attached to the front and rear surfaces of a backrest of a bench.

Billboard: A permanent, free-standing sSign with a standard siSign aArea of 14 feet by 48 feet.

Changeable Message: A message on a sSign ~~or portion thereof~~ with characters, letters, pictures, panels, or illustrations that can be changed, rearranged, or replaced electronically or manually without altering the sSign fFace or the sSign sStructure.

Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.

Directional Sign: A permanent freestanding sign located no closer than 10 feet to a property line or driveway and situated ~~so as~~ to be readily visible to vehicles and pedestrians accessing ~~the a~~ property.

~~District: A zoning district as defined in Chapter 205 Zoning of the City Code.~~

Electronic Changeable Message: Programmable electronic message board, ~~and/or~~ programmable illuminated sign.

Flag: Any fabric or similar lightweight material attached at one edge or no more than two corners of the material, usually to a staff or pole, to allow movement of the material, and which has dimensions in a 1.9 ratio or other ratio as prescribed by Executive Order 10834, "The Flag of the United States." ~~and which contains distinctive colors, patterns, symbols, or text. If any dimension of a flag is more than three times as long as any other dimension, it shall be regulated as a temporary sign for the purposes of this section.~~

Flashing Sign: A directly or indirectly illuminated sSign ~~which exhibits~~ sith changing light or color effects ~~by any means, or that to provide~~ the illusion of intermittent flashing light, zooming, twinkling, or sparkling by means of animation.

Free-Standing Sign: A sSign which is located on the ground and not attached to any part of a building or structure.

~~Illuminated Sign: A Sign which contains an element designed to emanate artificial light internally or externally.~~

Incidental Sign: A small sign with a purpose secondary and accessory to the uses on the property on which it is located. No sign with a message legible off the premises ~~shall~~ will be considered incidental.

Institution: A public or private institution including but not limited to places of worship, schools, ~~hospitals~~ hospitals, and medical clinics.

Institutional Sign: A sSign on the premise of an institution.

Interstate 694 Corridor: Any real property immediately adjacent to and within 275 feet of the centerline of Interstate 694 right-of-way.

Interstate 694 Primary Sign: A permanent, free-standing sSign located within the Interstate 694 Corridor, intended to be visible from Interstate 694, and constructed ~~and/or~~ erected pursuant to ~~§ 214.15 Interstate 694 Corridor Signage~~ Minnesota Statutes (M.S.).

Interstate 694 Secondary Sign: A permanent, free-standing sSign located on real property within the Interstate 694 corridor, intended to be visible from public right-of-way intersecting Interstate 694, and constructed ~~and/or~~ erected pursuant to ~~§ 214.15 Interstate 694 Corridor Signage~~ M.S.

Multiple Use Non-Residential Building: A building designed for multiple occupancy of non-residential tenants.

Motion Sign: A sSign which revolves, rotates, has moving parts, or gives the illusion of motion. A m~~Motion~~ sSign does not include w~~Walking~~ sSigns, ~~or~~ c~~Changeable~~ sSigns or f~~Flashing~~ sSigns if the sole motion is changing lights or, illuminance, ~~or the message~~. A Motion Sign also does not include a Flag as defined and regulated by this chapter.

Mural: An image painted or applied to the exterior of a building wall or other permanent structure, and for which no more than five percent of the total area covered by the mural, or 100 square feet (whichever is less), consists of text.

Nonconforming Sign: A sSign lawfully erected prior to the effective date of this Chapter and which fails to conform to the requirements of this Chapter.

Non-cCommercial Speech: Speech not classified as cCommercial sSpeech which includes, but is not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Obsolete Sign Copy: Sign copy that no longer advertises or correctly identifies a use conducted on the property which the sign is located.

~~Permanent Sign: A sSign comprised of durable materials and which is designed to be displayed for an indefinite period of time and which is not easily removed or relocated.~~

~~Projecting Sign: A Sign attached to a wall space that projects perpendicularly from a building or structure.~~

~~Roof: The exterior surface and its supporting structure on the top of a building or structure.~~

~~Roof Sign: A Sign erected, placed, and/or constructed on and/or above the Roof of a building, and which is supported by the Roof.~~

~~Sign: Any letter, word, symbol, poster, picture, reading matter, advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, which is displayed for informational or communicative purposes, and including its sSign sStructure. The term sSign does shall not include architectural features or art not intended to communicate information, nor Murals murals, nor Flags flags as defined by this chapter.~~

Sign Area: The area of a sSign, including the border and the surface ~~that which~~ bears the message, but excluding the sSign sStructure containing no message. The area of a sign with more than one visible face ~~is shall~~ be calculated by the sum of the area of each sign face divided by two. For signs without a frame, the square footage ~~shall be is~~ calculated as the area within a plane figure or figures bounded by straight lines connecting at right angles connecting the outermost points of the sign, as illustrated in Exhibit 1 below.

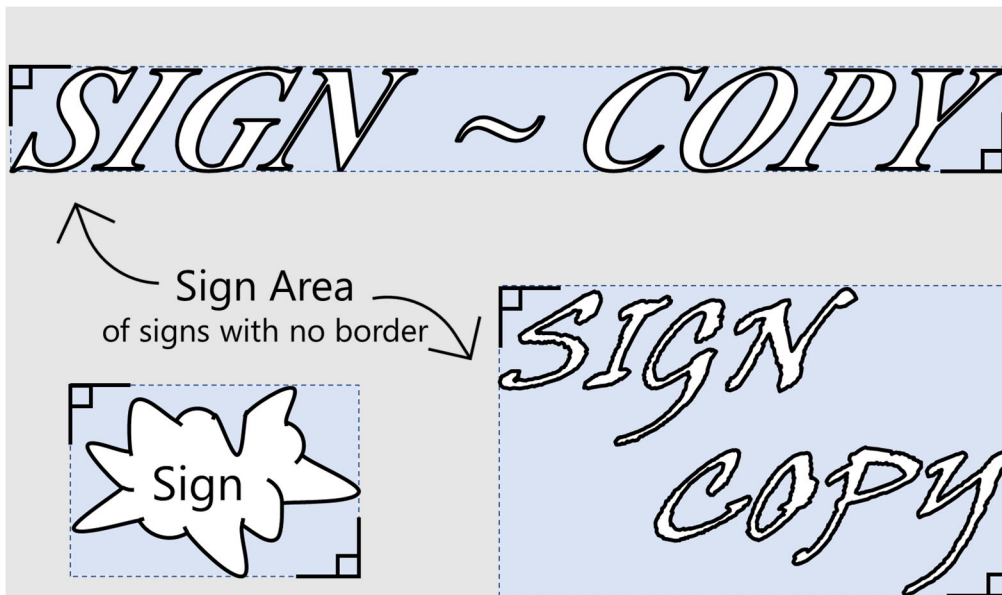


Exhibit 1: Sign Area

Sign Face: The surface of a sign upon, against, and/or through which the message of the sign is exhibited.

Sign Permit: An official document or certificate granting permission to erect a sign.

Sign Structure: A structure including the supports, uprights, bracing, and framework which supports or is capable of supporting a sign.

Special Use Permit: A Special Use Permit as defined in ~~Chapter 205~~ the Zoning chapters of the Fridley City Code (Code).

Static Display Area Signage: A durable, non-moving sign or grouping of signs constructed of plywood, rigid plastic, or similar durable weatherproof materials.

Temporary Sign: A sign which is designed to be erected or displayed for a limited period of time, including but not limited to: banners, pennants, beacons, sandwich or curb signs, walking signs, yard signs and, and balloons or other air or gas filled structures.

Vision Safety Zone: The triangular area of a corner lot beginning at the intersection of the street surface edge or curb lines, measuring 40 feet along each curb line and a straight line between the two points, as illustrated in Exhibit 2 below.

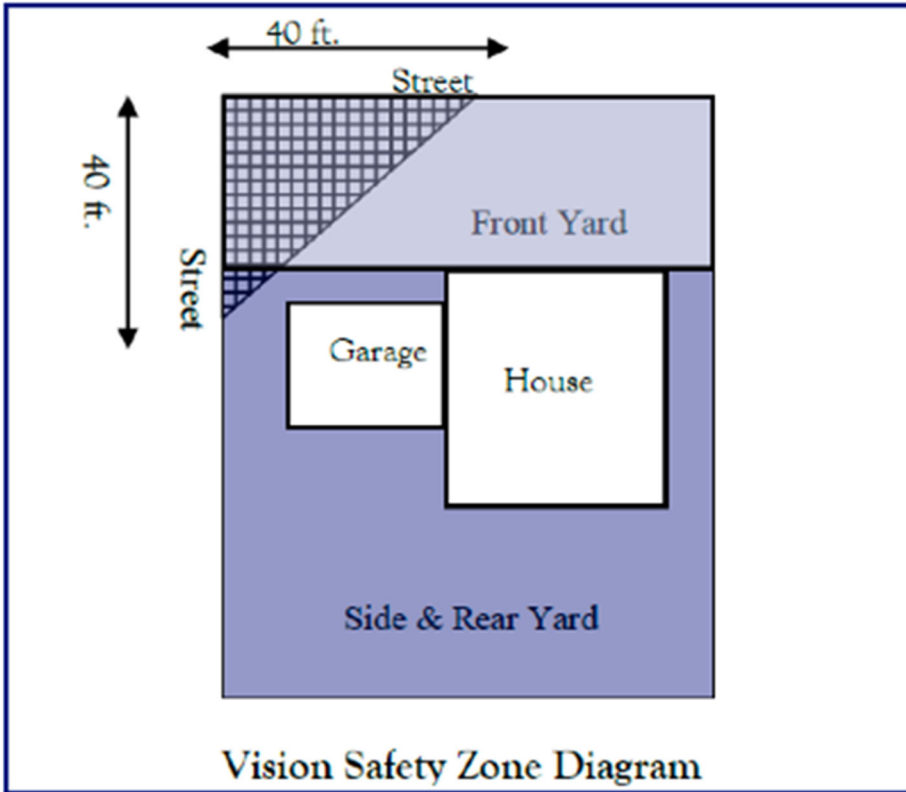


Exhibit 2: Vision Safety Zone

Wall Sign: A sign which is attached to the wall of a building or structure.

Walking Sign: A sign held by or attached to a person or animal-human being who stands or walks on the premises of a business or event location. A person or animal dressed in costume, both for the purposes of advertising and/or otherwise seeking to drawing attention to an individual, business, commodity, service, activity, or product is considered a walking sign.

Window Sign: A sign attached to the inside of a window for the purpose of viewing from outside the building. A window sign does not include merchandise located in a window.

214.03TBD.03 General Provisions for Signs

1. No sign shall may be erected, constructed, posted, and/or utilized in the City unless the sign is safe and in compliance with this Chapter and all other provisions of the City Code.
2. No free-standing sign may shall be placed closer than 10 feet to any property line or driveway, except free-standing temporary signs may be placed on sidewalks during the hours that in front of businesses or location otherwise open to the public when the adjacent property business or location is open to the public, if the sign must be placed is located immediately in front of the entrance and the sign does must not violate the Americans with Disabilities Act or otherwise prohibit or impede pedestrian or vehicular traffic.
3. Freestanding signs located within a Vision Safety Zone must have a minimum height of 10 feet from the bottom of the sign to the finished ground grade, as illustrated in Exhibit 3 below:

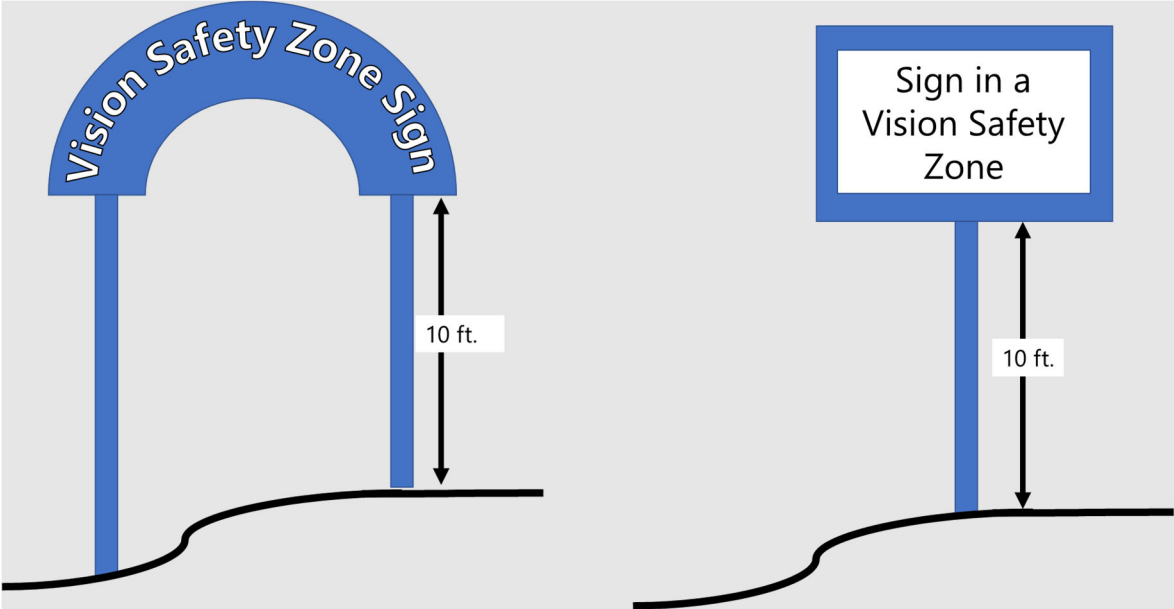


Exhibit 3: Freestanding Sign Height

4. No sign shall may create a glare that will impacts adjacent properties, drivers, or pedestrians.

5. Sign Maintenance

(a) Sign structures and surfaces of all signs must be maintained in a safe and presentable condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required to prevent the sign and sign structure from becoming unsafe or hazardous.

(b) When any permanent sign erected pursuant to a sign permit is removed, the City must be notified, and the entire sign must be removed.

6. Nonconforming Signs. Nonconforming signs will be treated like other nonconforming uses and structures as for provided in the Zoning Title and Minnesota Statutes, or as otherwise specified Minnesota Statutes. Use of any nonconforming sign may not be continued after the sign is abandoned.

7. No sign may cause a public nuisance. If the City determines a sign is a public nuisance, the City may proceed in accordance with Violations section of this Chapter and may bill the costs of enforcement to the property owner. The following are deemed to be public nuisances:

(a) Electronic signs which are non-working, have burnt out bulbs, incoherent messages, or are malfunctioning.

(b) Signs which have an incoherent message or missing characters.

(c) Signs that due to defective parts or lack of maintenance are deemed unsafe or hazardous.

(d) Signs that are dilapidated or damaged.

(e) Abandoned signs.

(f) Obsolete sign copy that has not been covered or removed within 30 days after written notification from the City.

(g) Signs in violation of this Chapter, including but not limited to, those posted without a sign permit, signs in excess of number limitations, signs exceeding size limitations, signs in violation of setback and location requirements, signs impeding pedestrian or vehicular traffic, signs with changeable messages changing more quickly than allowed, electronic

signs exceeding luminance levels, and signs that otherwise are a menace to the general health, safety, and welfare of the public.

214.04TBD.04 Signs Allowed in all Districts

1. Address Signs: Each dwelling, business, or building must have a minimum of one aAddress sSign, that is a minimum size as prescribed in the Building Code ~~of four inches high and one-half inch wide~~. The sSign must be illuminated or reflective and visible from the public right-of-way. Where building access is by means of a private road and the building address cannot be viewed from the public right of way, a monument, pole, or other sign ~~or means shall~~ must be used to identify the structure. ~~A No-S sign pPermit is not~~ required for address signs.

2. Bench Signs: Bench sSigns may be displayed in all dDistricts but may only be placed on benches at transit stops and may not be any larger than or extend beyond any portion of the bench. A bench sign may only be placed on a bench not larger than 42 inches high or more than 30 inches wide or seven feet long overall. No sSign pPermit is required for bench signs.

3. Noncommercial Flags: Non-cCommercial flags may be displayed in all dDistricts in accordance with state and federal law. Any nNon-cCommercial flag may be displayed in lieu of the United States or State of Minnesota flag. No sSign pPermit is required for noncommercial flags.

4. Permanent Free-Standing Sign: Permanent ~~fFree-sStanding~~ sSigns may be displayed in all Districts, subject to all requirements of the District, including permit requirements.

5. Wall Signs: Wall sSigns may be displayed in all dDistricts but must comply with size and number requirements of the dDistrict, including permit requirements.

6. Noncommercial Signs: During a state general election year, there ~~shall be~~ no permit required or restrictions on size or number of nNoncommercial-sSigns beginning 46 days before the state primary election until 10 days following the state general election, pursuant to Minnesota Statute Section 211B.045, ~~as may be amended from time to time~~. Such sSigns are subject to all other restrictions for their sSign type and dDistrict, including all setback requirements.

In the R-1, R-2, R-3, R-4, & S-1 dDistricts, nNoncommercial sSigns are also allowed as a ~~shall also be allowed at all times as wWindow~~ sSigns, subject to a maximum sSign Area of 40 percent of the window area where the sign is placed.

7. Temporary Signs: All other tTemporary sSigns may be displayed in all dDistricts, subject to ~~all the~~ requirements of the dDistrict, including permit requirements.

8. Window Signs: Window sSigns may be displayed in all dDistricts without a permit, but must comply with all size and number requirements of the dDistrict.

9. Signs may be erected within a public right-of-way in any dDistrict provided that such sSign is approved by the appropriate governmental agency with authority over the right of way.

10. Incidental Signs: Incidental signs may be displayed without a permit in all dDistricts, subject to all requirements of the dDistrict.

11. ~~Hospital Signs on Hospital Property:~~ Notwithstanding any provisions to the contrary, due ~~to the confusion and anxiety that may arise from emergencies,~~ and the necessity of quickly and efficiently finding treatment, the City Council finds that hospital identification and emergency sSigns on hospital property may be larger than other pPermanent fFree-sStanding sSigns or wWall sSigns for the public to quickly identify a hospital. Consistent with this, a Hospital sSigns on a hospital property, including both fFree-sStanding and wWall sSigns, may have a maximum sSign aArea of 100 square feet in all dDistricts. A sSign pPermit is required.

214.05TBD.05 Signs Prohibited in All Districts

1. Signs erected or displayed ~~upon any public right-of-way, as defined in] City Code § 205.02.72,~~ or public property, as defined in the "Definitions" section of the Zoning City Ordinance Code § 205.02.71, except official or temporary traffic control signs, signals, or devices, ~~at any time the public right-of-way or public property is open for public use,~~ unless otherwise permitted by this Chapter or other applicable law. Any sSign posted in violation of this Section is ~~declared to be~~ deemed abandoned property and. ~~†~~ the City may seize the sSign and immediately destroy it. A violation of this Section is a misdemeanor. The City may file a citation against the individual who placed the sign and may seek the costs of removal.

2. Signs depicting, representing, or constituting obscene material, pursuant to Minnesota Statutes, ~~as may be amended from time to time~~ or other applicable law.

3. Signs which by reason of size, location, movement, content, coloring, or manner of illumination may be confused with the lights of an emergency or road equipment vehicle, a traffic sign, signal, or device, or which hides from view any traffic sign, signal, or device.

4. Motion sSigns.

5. Flashing sSigns.

6. Signs obstructing a Vision Safety Zone.

7. Roof sSigns.

8. Abandoned sSigns.

9. Signs with obsolute sign copy.

214.06TBD.06 Permit Requirements

1. The following signs ~~shall~~ may not be erected, altered, reconstructed, or moved in the City without first securing a sign permit from the City. ~~However, a~~ A sign permit ~~shall~~ is not be required ~~for the~~ to changing of the display surface or message on a previously approved and erected sign:

(a) Permanent, ~~f~~Free-standing signs, including but not limited to aArea gateway signs, billboards, institutional signs, and interstate 694 Corridor signs.

(b) Wall signs.

(c) Temporary signs not located in an R-1, R-2, R-4, or S-1 District.

(d) Static display area signs.

2. For signs requiring a sign permit, the content of the message or speech displayed on the sign ~~shall~~ will not be reviewed or considered in determining whether to approve or deny a sign permit. Applications for a sign permit ~~shall~~ must be made in writing on a form approved by the City and addressed to the City Manager or their designee. Applications ~~must~~ shall contain the information necessary to approve the permit request.

3. The City ~~shall~~ or their designee may approve or deny a temporary sign permit within five business days of receiving a complete application. ~~The City shall approve or deny a~~ permanent sign permit ~~within 60 days of receiving a complete application.~~ If the City denies the sign permit, the City ~~shall~~ must provide written reasons for the denial at the time the City denies the sign permit.

4. A temporary sign permit ~~is~~ shall be valid for the time period stated on the approved permit. ~~A~~ The time period for a Temporary sign permit will ~~shall~~ not exceed 30 days. There must be 30 days between repeated temporary sign permits for the same location.

5. Failure to comply with this Section is a misdemeanor.

(a) If a temporary sign is posted in violation of the permit requirements, the City may issue a citation to the sign owner, remove the sign, and ~~or~~ invoice the property owner for the cost of the sign permit and any penalties as provided in the Fees Chapter of the Code. ~~by Chapter 11.~~

(b) If a permanent sign is posted in violation of the permit requirements, the City may issue a citation to the property owner, and ~~or~~ seek abatement in accordance with § 214.20 the Violations section of this Chapter, including, but not limited to, removal of the

~~Sign, payment of the Sign Permit, and any penalties as provided by Chapter 11~~ the Fees Chapter of the Code, and any enforcement costs.

6. A ~~Sign Permit~~ for a permanent sign shall will expire if the work has not been substantially initiated within 180 days ~~and/or~~ substantially completed within one year of the date of the permit's issuance.

7. Any ~~Sign Permit~~ may be revoked by the City upon failure of the holder to comply with any provision of this ~~Chapter, the City Code,~~ code or with the terms of the permit ~~at the time of its issuance.~~ A permit holder may appeal a decision to revoke a permit pursuant to the process set forth in the Appeals section of this Chapter. The revocation will be stayed pending a decision on an appeal.

~~214.07~~ TBD.07 Signs Allowed by District.

The following table represents the allowable signage and area requirements of a single sign (in square feet) by zoning district. "No" indicates the sign type is not allowed in the district. A ~~Sign Permit~~ is required unless otherwise specified in this Chapter:

Sign Type	Maximum Sign Size by Zoning District (in square feet unless otherwise noted)							Number of Signs Allowed	Sign Specific Standards
	R-1, R-2, R-4, & S-1	R-3	CR-1	C-1, C-2	C-3	M-1, M-2	M-3, M-4, S-3		
Area Gateway Sign	24	32	48	80	80	80	80	1 per development	214.07.01
Institutional Sign	32/80/^\	32/80/^\						1 freestanding sign per street frontage	214.07.02
Directional Signs	4	4	4	4	4	4	4	No numeric limit	214.07.03
Wall Signs	3	^\	^\	^\	^\	^\	^\	1 sign in R-1, R-2, R-4, & S-1 2 in M-1, M-2, M-3, M-4, & S-3 & as Institutional Signs 1 per wall in CR-1, C-1, C-2, & C-3	214.07.04

Window Signs (Percentage of Window Size)	40%*	40%*	40%	40%	40%	40%	40%	40%	1 per window	214.07.05
Permanent Freestanding Signs	32; as Institutional Signs only	32	48	80	80	80	80	80	1 per street frontage	214.07.06
Billboards	No	No	No	No	700	700	No	No	No numeric limit	214.07.07
I-694 Corridor Signs	No	No	By property size	By property size	By property size	By property size	By property size	By property size	1 per frontage	214.07.08
Temporary Signs	6	32	32	32	32	32	32	32	1 per property in R-1, R-2, R-4, & S-1 1_or -2 per street frontage in all other Districts	214.07.09
Incidental Signs	2	4	6	6	6	6	6	6	No numeric limit	214.07.10
Static Display Area Signage	32; as Institutional Signs Only	48	48	48	48	48	48	48	1 per property	214.07.11
*Noncommercial signs only										
^ Fifteen times the square root of the wall length where the sign is to be located										

1. Area Gateway Signs are allowed under the following parameters:

- (a) Maximum of one Area Gateway Sign per development. The development shall ~~must~~ include at least six parcels or two acres of land, whichever is less, and all properties that comprise the area shall ~~must~~ consent to the placement of the Area Gateway Sign.
- (b) The land upon which the sign is located ~~must~~ has been dedicated for ~~such a~~ use by easement, plat or other legal and recordable instrument unless such sign would otherwise be permitted ~~herein~~.
- (c) A maintenance agreement ~~shall~~ must be recorded which, among other things, provides for the long-term responsibility, care, and maintenance of ~~such the~~ sign.
- (d) ~~Maximum height of 25 feet above the finished ground grade.~~

~~(e)~~ (d) Maximum sign area of 24 square feet in R-1, R-2, R-4, & S-1 Districts, 32 square feet in the R-3 District, 48 square feet in the CR-1 District, and 80 square feet in the C-1, C-2, C-3, M-1, M-2, M-3, M-4, & S-3 Districts.

2. Institutional Signs.

(a) In the R-1, R-2, & S-1 Residential Districts, a property which contains a legal nonresidential institutional use authorized by issuance of a Special Use Permit may display ~~the following~~ institutional signs under the following parameters:

~~(1) Institutions may have one permanent freestanding sign per street frontage area.~~ (1) Institutions may have one permanent freestanding sign per street frontage area. shall be allowed as follows:

~~One per street frontage.~~

(2) Maximum sign area of 32 square feet, or 80 square feet, if located a minimum distance of 50 feet from any neighboring residential property.

(3) Maximum height of 25 feet above the finished ground grade.

~~(2)~~ (b) Institutions may have wall signs ~~shall be allowed~~ as follows:

~~(1)~~ (a) Maximum of two walls per institution.

~~(2)~~ (b) Maximum sign area of 15 times the square root of the wall length on which the sign is to be placed.

~~(3)~~ (c) Institutions may have static display area signs ~~are shall be allowed~~ as follows:

~~(1)~~ (a) One per street frontage.

~~(2)~~ (b) Maximum size of 32 square feet.

~~(d)~~ In all other districts, institutional signs shall may be allowed by District Regulations for applicable sign type (e.g., wall signs, permanent freestanding signs, or static display area signs).

~~(e)~~ Sign permits are required for institutional signs.

3. Directional Signs.

(a) Directional signs are allowed under the following parameters:

~~(a)~~ (1) Maximum sign area of four square feet.

~~(b) (2)~~ Minimum 20 feet in any direction between ~~d~~Directional ~~s~~Signs placed on the same property.

~~(c) (3)~~ -Sign ~~p~~Permits are not required for ~~d~~Directional ~~s~~Signs.

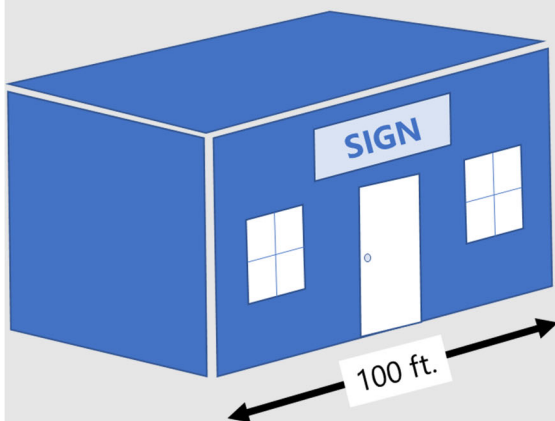
3.4. Wall Signs.

(a) Wall signs are allowed under the following parameters:

~~(1) (1)~~ For residential properties in the R-1, R-2, R-4, & S-1 ~~d~~Districts, the ~~m~~Maximum ~~w~~Wall ~~s~~Sign ~~s~~Size is three square feet.

~~(b) (2) (2)~~ For ~~p~~Permitted ~~n~~Nonresidential ~~u~~Uses in the R-1, R-2, & S-1 Residential Districts, a property which contains a legal nonresidential institutional use authorized by issuance of a Special Use Permit, two walls may display signs with a ~~m~~Maximum ~~s~~Sign ~~a~~Area of ~~fifteen~~ 15 times the square root of the wall length on which the ~~s~~Sign is to be placed, as illustrated in Exhibit 4 below:

Formula for area of a wall sign



$$\begin{aligned} \text{Allowed sq ft} &= 15 * \sqrt{\text{(Wall length)}} \\ \text{Allowed sq ft} &= 15 * \sqrt{100} \\ \text{Allowed sq ft} &= 15 * 10 \\ \text{Allowed sq ft} &= 150 \end{aligned}$$

Exhibit 4: Wall Sign Area

~~(c) (3) (3)~~ -Wall signs with a ~~m~~Maximum ~~s~~Sign ~~a~~Area of ~~fifteen~~ 15 times the square root of the wall length on which the ~~s~~Sign is to be placed may be placed on a maximum of two walls of properties in the M-1, M-2, M-3, M-4, and S-3 Districts, as illustrated in Exhibit 4 above.

~~(d)(4)~~ 4. Wall signs with a mMaximum sSign aArea of ~~fifteen (15)~~ times the square root of the wall length on which the sSign is to be placed may be placed in the CR-1, C-1, C-2, and C-3 Districts, as illustrated in Exhibit 4 above.

~~((e)~~ 5. Sign Permits are required for wWall sSigns.

4.5. Window Signs.

~~(a)~~ (a) Window signs are allowed under the following parameters:

~~—(1)~~ 1. Maximum sSign aArea of 40 percent% of the window area.

~~(b)~~ (2) In the R-1, R-2, R-3, R-4, & S-1 Districts, nNoncommercial wWindow sSigns are allowed.

~~(c)~~ (3) Sign pPermits are not required for wWindow sSigns.

5.6. Permanent Freestanding Signs.

~~(a)~~ (a) Permanent freestanding signs are allowed under the following parameters:

~~(1)~~ (1) Maximum of one sSign per street frontage, not including dDirectional sSigns, bBillboards, Interstate 694 pPrimary sSigns, and Interstate 694 sSecondary sSigns.

~~(2)~~ (2) Maximum height of 25 feet above the finished ground grade.

~~(c)~~ (3) Minimum distance of 50 feet from any R-1, R-2, R-4, & S-1 Residential District.

~~(d)~~ (4) Maximum size of 32 square feet ~~as Institutional Signs~~ in the R-1, R-2, R-4, & S-1 Districts; 32 square feet in the R-3 District; 48 square feet in the CR-1 District; and 80 square feet in the C-1, C-2, C-3, M-1, M-2, M-3, M-4, & S-3 Districts.

~~(e)~~ (5) May have an electronic changeable message provided that the:

~~(a)~~ (1) Message does not change more than once every eight seconds.

~~(b)~~ (2) Message ~~shall~~ never flashes or hasve motion that may distract vehicular traffic.

~~(c)~~ (3) Light level ~~shall~~ does not exceed three tenths of a 3-foot candles above ambient light as measured from 250 feet.

~~(f)~~ (6) Sign pPermits are required for pPermanent freestanding sSigns.

6.7. Billboards.

(a) Billboards are Shall be permitted in the C-3, M-1, & M-2 Districts on real property adjoining the public rights-of-way of the Interstate Highway 694 Corridor and must follow the following parameters: -

~~(b)~~ (1) Maximum height of 35 feet above the finished ground grade.

~~(c)~~ (2) Minimum vertical distance between the bottom of the bBillboard and the ground ~~is of 10~~ ten feet.

~~(d)~~ (3) NShall not to exceed two sSign fFaces.

~~(e)~~ Billboards with two sSign fFaces must ~~shall~~ have the sSign fFaces attached back-to-back at a horizontal angle not to exceed 45 degrees.

~~(f)~~ Distances and Setbacks.

~~(1)~~(4) Minimum of 1,000 feet linear between bBillboards located on the same side of the public right-of-way. Distance ~~shall~~ must be measured along the centerline of the right-of-way.

~~(2)~~ (5) Minimum of 2,500 linear feet between bBillboards located on the same side or the opposite side of the public right-of-way that have an electronic changeable message. Distance ~~shall~~ must be measured along the centerline of the right-of-way.

~~(3)~~(6) Minimum of 30 feet from any property line abutting a public right-of-way.

~~(4)~~(7) Minimum of ~~ten~~ 10 feet from any other property line.

~~(5)~~(8) Minimum of 500 feet from any street, ramp, or merging traffic.

~~(6)~~(9) Minimum of 500 feet from any residential or public zoning di District.

~~(g)~~ (10) The sSign sStructure ~~shall~~ must be all metal or another durable material and be either painted or treated to prevent deterioration.

~~(h)~~ (11) Any lighting ~~will~~ must be shielded to prevent beams or rays of light from being directed at any portion of the traveled way of the public rights-of-way, ~~shall~~ may not be of such intensity or brilliance as to cause glare or to impair the vision of any motor vehicle operator, ~~shall~~ may not otherwise interfere with any

driver's operation of a motor vehicle, and ~~shall~~ may not create a nuisance on adjoining property.

~~(i)~~(12) Billboards shall ~~may~~ be in addition to, and not in lieu of, Permanent ~~Free-~~
~~Standing~~ Sign allowances.

~~(j)~~(13) Sign ~~p~~Permits are required for bBillboards.

~~7.8.~~ Interstate 694 Corridor Signage.

~~(a)~~ Interstate 694 Corridor Signage is allowed under the following parameters:

~~(1)~~ Maximum of one Interstate 694 ~~p~~Primary Sign per property zoned CR-1, C-1, C-2, C-3, M-1, M-2, M-3, and S-2, ~~and~~ located within 275 feet of the centerline of Interstate 694.

~~(b)~~ ~~————~~(2) Where the property abuts a second public right-of-way, the property ~~shall~~ may also be allowed an Interstate 694 Secondary Sign on the frontage adjacent to the second public right-of-way.

~~(c)~~ ~~Height.~~

~~————~~(1) ~~————~~(3) ~~For~~ Interstate 694 pPrimary Signs may be up to: 35 feet above the finished ground grade.

~~————~~(2) ~~For~~(4) ~~————~~ Interstate 694 Secondary Sign may be up to: 25 feet above the finished ground grade.

~~(d)~~ ~~Maximum Sign Area.~~

~~————~~(1) ~~————~~(5) ~~For~~ Interstate 694 pPrimary Signs; maximum Sign Area is determined by the acreage class of the development. The following chart determines the maximum Sign Area:

<u>Acreage Class</u>	<u>Sign Size Permitted</u>
35 acres +	500 square feet
10-35 acres	240 square feet
1-10 acres	120 square feet
Less than one acre	80 square feet

Allowed size by parcel is shown in Exhibit 5/Appendix A below:

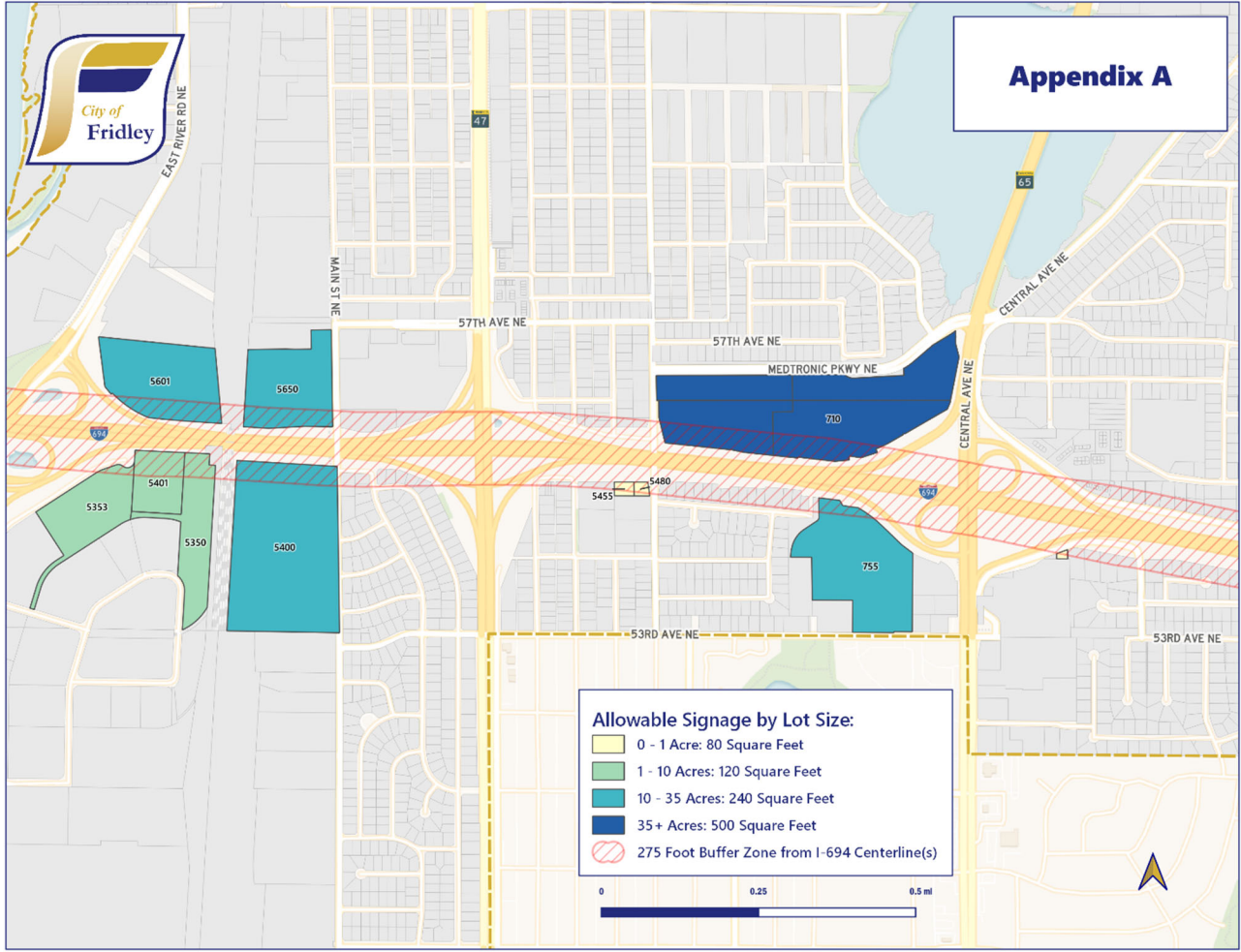


Exhibit 5: I-694 Signage

(2)(6) For Interstate 694 Secondary Signs may have a maximum Sign Area of 40 square feet. The maximum Sign Area can be increased up to 80 square feet if the Sign Area of the Interstate 694 Primary Sign is reduced by the equivalent number of square feet (e.g., if the Interstate 694 Secondary Sign is 72 square feet, the maximum Sign Area of the Interstate 694 Primary Sign is reduced by 32 square feet).

(e) Setback and Location.

(7) (1) Interstate 694 Corridor Signage is subject to all setback requirements for Permanent Free-standing Signs within the District.

(8) (2) Interstate 694 Primary Signs must be located within the Interstate 694 Corridor.

(3)(9) Interstate 694 Secondary Signs must be located on frontage adjacent to a public right-of-way intercepting Interstate 694.

(10) ~~(f)~~ Interstate 694 ~~p~~Primary ~~s~~Signs and Interstate 694 ~~s~~Secondary ~~s~~Signs shall ~~may~~ be in addition to, and not in lieu of, ~~p~~Permanent ~~f~~Free-~~s~~Standing ~~s~~Sign allowances.

~~(g)~~(11) Interstate 694 ~~p~~Primary ~~s~~Signs and Interstate 694 ~~s~~Secondary ~~s~~Signs are subject to all restrictions for ~~p~~Permanent ~~f~~Free-~~s~~Standing ~~s~~Signs within the District not in conflict with this subsection.

~~(h)~~(12) Sign ~~p~~Permits are required for Interstate 694 Corridor ~~s~~Signs.

8.9. Temporary Signs.

(a) ~~(a)~~ Free-~~s~~standing ~~t~~Temporary ~~s~~Signs may be placed on sidewalks during the hours that the property placing the ~~t~~Temporary ~~s~~Sign is open to the public under the following parameters; if the sign

(1) ~~The sign must be~~ located immediately in front of the entrance of the property placing the temporary sign. ~~and~~

(2) ~~The sign~~ ~~Sign does not~~ ~~must not~~ ~~cannot~~ violate the Americans with Disabilities Act or otherwise prohibit or impede pedestrian or vehicular traffic.

(3) ~~Shall be limit~~ ~~ofed to~~ one sign per property in the R-1, R-2, R-4, & S-1 Districts and one per street frontage in all other Districts, except properties with more than 100 linear feet of street frontage may have two temporary signs per street frontage exceeding 100 linear feet. ~~(c)~~

(4) Maximum size of ~~six~~ ~~6~~-square feet in the R-1, R-2, R-4, & S-1 Districts and 32 square feet in all other Districts. ~~(d)~~

(5) Sign ~~p~~Permits are not required for ~~t~~Temporary ~~s~~Signs in the R-1, R-2, R-4, & S-1 Districts. Sign ~~p~~Permits are required for ~~t~~Temporary ~~s~~Signs in other Districts.

10. Incidental Signs.

(a) Incidental signs are allowed under the following conditions:

(1) ~~(a)~~ ~~Signs m~~Must be oriented or ~~so~~-designed ~~so~~that the sign message is not legible off the premises where the ~~s~~Sign is displayed.

(2) ~~(b)~~ The ~~s~~Sign must be accessory to the use(s) on the property on which it is located.

(3)(e) Maximum size of ~~two~~2 square feet in the R-1, R-2, R-4, & S-1 Districts, ~~four~~4 square feet in the R-3 District, and ~~six~~6 square feet in all other Districts.

(4)(d) — A ~~s~~Sign ~~p~~Permit is not required for incidental signs.

11. Static Display Area Signage.

(a) ~~(a)~~ Static display area signage is allowed under the following parameters:

(1) A manual ~~c~~Changeable ~~m~~Message may comprise up to ~~50 percent~~0% of the ~~s~~Static ~~d~~Display ~~a~~Area ~~s~~Signage.

(2)(b) ~~Signs~~~~M~~ may not include an ~~e~~Electronic ~~c~~Changeable ~~m~~Message.

(3)(c) ~~Signs~~~~m~~ May not be internally illuminated.

(4)(d) — A ~~m~~Maximum height of six feet for freestanding ~~s~~Static ~~d~~Display ~~a~~Area ~~s~~Signage.

(5)(e) A ~~m~~Maximum size of 32 square feet as ~~Institutional Signs~~ in the R-1, R-2, R-4, & S-1 Districts and 48 square feet in all other Districts.

(6)(f) One ~~s~~Static ~~d~~Display ~~a~~Area ~~s~~Signage installation is allowed per street frontage.

(7)(g) ~~Legal n~~Nonconforming ~~r~~Real ~~e~~Estate ~~s~~Signs and ~~c~~Construction ~~s~~Signs established prior to the effective date of this ~~Chapter ordinance shall will~~ be included in a property's allowance for ~~s~~Static ~~d~~Display ~~a~~Area ~~s~~Signs.

(8)(h) ~~Static d~~Display ~~a~~Area ~~s~~Signage ~~shall will~~ be allowed in addition to other freestanding or wall signs for a property.

214.08 Sign Erectors' License Requirements

~~No person, firm, or corporation shall engage in the business of erecting, altering, constructing, moving, or removing p~~Permanent ~~f~~Free ~~s~~Standing ~~s~~Signs under this Chapter unless a licensed to do so has been approved by the City. The annual license fee and expiration date shall be as provided in Chapter 11 of the City Code. A license is not required for changes to an existing ~~s~~Sign in a way not constituting an aAlteration.

214.09 Existing Signs

— 1. ~~Sign~~ Maintenance.

~~(a) The Sign Structures and surfaces of all s Signs shall be maintained in a safe and presentable condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required to prevent the sSign and/or Sign Structure from becoming unsafe or hazardous.~~

~~(b) When any pPermanent sSign erected pursuant to a sSign pPermit is removed, the City shall be notified, and the entire sSign shall be removed.~~

~~2. Nonconforming Signs. Nonconforming signs shall be treated like other nonconforming uses and structures as for provided in City Code § 205.04.3, or as otherwise specified Minnesota Statutes, as may be amended from time to time. However Nonconforming Signs may not be continued if the Sign is abandoned.~~

~~— 3. Public Nuisance.~~

~~(a) The following are deemed to be public nuisances:~~

~~(1) Electronic sSigns which are non-working, have burnt out bulbs, or incoherent messages, or are malfunctioning.~~

~~(2) Signs which have an incoherent message or missing characters.~~

~~(3) Signs that due to defective parts or lack of maintenance are deemed unsafe or hazardous.~~

~~(4) Signs that are dilapidated or damaged.~~

~~(5) Abandoned sSigns.~~

~~(6) Obsolete sign copy that has not been covered or removed within 30 days after written notification from the City.~~

~~(7) Signs in violation of this Chapter, including but not limited to, those posted without a necessary sSign pPermit, sSigns in excess of number limitations, sSigns exceeding size limitations, sSigns in violation of setback and location requirements, sSigns impeding pedestrian or vehicular traffic, signs with Changeable Messages changing more quickly than allowed, eElectronic sSigns exceeding luminance levels, and sSigns that otherwise are a menace to the general health, safety, and welfare of the public.~~

~~(b) If the City determines a sSign is a public nuisance, the City may proceed in accordance with Section § 214.12 of this Chapter and may bill the costs of enforcement to the property owner.~~

TBD.08 Multiple Use Non-Residential Buildings

1. All owners of multiple use non-residential buildings containing three or more non-residential units, ~~if they have not already done so,~~ must submit a comprehensive sSign pPlan to the City Manager or their designee for approval.
2. All future sSigns erected within the multiple use non-residential building ~~shall~~ must conform to the ~~conditions of the sSign pPlan.~~
3. Existing sSigns within the multiple use non-residential building which do not meet the requirements of this Chapter ~~and/or sSign pPlan are,~~ shall be defined as a Nonconforming sSigns and ~~shall will be~~ subject to the restrictions set forth in the "Nonconforming Signs" Section § 214.09.02 of this Chapter.

TBD.09. Enforcement

The City Manager or their designee ~~shall be~~ is responsible for the enforcement of this Chapter.

TBD.10 Violations

1. Any sSign that ~~which~~ is unsafe, appears unkempt or neglected, has been constructed or erected in violation of the City Code, is a hazard to the health, safety, and/or general welfare of the public, or is in violation of any other section of the City Code is hereby declared to be a nuisance and to be in violation of this Chapter.
2. Any person who has erected a sSign without ~~securing the necessary~~ first obtaining a sSign pPermit prior to erection, ~~shall will be,~~ when subsequently securing such sSign pPermit, be required to pay an investigation fee equal to the sSign pPermit fee and ~~is are~~ shall be subject to all other penal provisions of this City Code.
3. Notice of violations, hearings, and abatement ~~shall will be~~ governed by the provisions in City Code Chapter ~~128~~ providing for the abatement of nuisances. Copies of the notice ~~shall will be~~ mailed to the property owner. Administrative assessments and penalties may be assessed as provided in ~~Chapter 11~~ Fee Chapter to the property owner.
4. Nothing in this Section or in ~~City Code Chapter 128~~ the Abatement of Exterior Public Nuisances Chapter ~~shall will be~~ deemed to prevent the City from seeking other relief and penalties, including but not limited to, criminal penalties.

~~214.13~~ Penalty

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 and Chapter 11 of the City Code. Each day the violation continues in existence shall be deemed a separate violation.~~

TBD.11. Appeals

1. To provide for a reasonable interpretation of the provisions of this Chapter, any owner, tenant, applicant, or any other person or business aggrieved by any order, requirement, decision, or determination made by the City or its representatives in the enforcement and interpretation of this Chapter may request a hearing before the Planning Commission. Appeals ~~shall~~will be governed by the procedure in ~~City Appeals~~ section of the Zoning chapters of the Code § 205.07.

2. Any owner, tenant, applicant, or any other person or business aggrieved by a final decision of the Planning Commission, pursuant to the procedure in ~~City Code § 205.07~~ the Zoning Chapter may seek judicial review within 30 days after the final decision.

TBD.12 Noncommercial Speech Substitution

Signs containing ~~n~~Noncommercial ~~s~~Speech are permitted anywhere that ~~s~~Signs containing ~~c~~Commercial ~~s~~Speech are permitted, subject to the same regulations applicable to such ~~s~~Signs.

TBD.13 Variances

Variances to the strict application of this Chapter may be granted under the provisions established under ~~City Code § 205.05.6. Zoning: Variances~~ the Variance requirements of the Zoning chapters of the Code.

TBD.14 Severability

If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision ~~shall~~will not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted this Chapter and ~~section~~ in each subsection, sentence, clause ~~clause~~, or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

Fridley City Code
Chapter 115. Swimming Pools

115.01 Definitions

The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms whenever they occur in this Chapter are defined as follows:

1. ~~Health Department, Health Officer or State Board of Health.~~

~~The City, when used in this Chapter and in the requirements adopted by reference.~~

2. ~~Inflatable Swimming Pool Enclosure.~~

~~Any temporary structure whose primary means of support is air pressure.~~

3. ~~Person.~~

~~Any individual, natural person, firm, association, organization, partnership, business institution, agency, or any Federal, State or local government agency or instrumentality or other entity recognized by law, as the subject of rights and duties, and shall include, but not be limited to, employees, licensees, tenants, caretakers, lessees, managers and operators of swimming pools.~~

4. ~~Private Residential Pool.~~

~~Any swimming pool located on private property under the control of the homeowner, permanent or portable, the use of which is limited to swimming or bathing by the resident family or their invited guests and having a depth of more than two feet (24 inches) at any point and a surface area exceeding 250 square feet and a volume over 3,250 gallons.~~

5. ~~Public Swimming Pool.~~

~~Any swimming pool, other than a private residential pool, intended to be used collectively by numbers of persons for swimming and bathing and operated by any persons whether they be owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for such use.~~

6. ~~Special Purpose Pool.~~

~~Any swimming pool used as a treatment pool, therapeutic pool, or a special pool for water therapy.~~

7. ~~Swimming Pool.~~

~~Any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, relaxation or recreational bathing.~~

~~8. Wading Pool.~~

~~Any swimming pool used or designed to be used exclusively for wading or bathing and having a maximum depth of two feet (24 inches).~~

~~115.02 GENERAL REQUIREMENTS~~

~~1. Plan and Building Permits.~~

~~No person shall construct, enlarge, repair, move, convert, or alter any swimming pool without first submitting and obtaining approval and appropriate permits from the City. No building permits shall be issued unless prior approval from the City has been granted in writing~~

~~2. Plumbing, Electrical, and Mechanical.~~

~~All plumbing, electrical and mechanical installations and equipment shall meet the requirements of the Fridley City Code.~~

~~3. Special Use Permit Required.~~

~~Inflatable swimming pool enclosures shall require a special use permit prior to their installation as outlined in Chapter 205 of the City Code.~~

~~4. Location.~~

~~All swimming pools must be located a minimum of ten (10) feet horizontal distance from any overhead electrical wires.~~

~~5. Fencing.~~

~~Fencing, or other effective means including, but not limited to, walls or buildings, acceptable to the City, shall be provided to positively control access to public and private residential swimming pools.~~

~~Fencing shall meet the following criteria:~~

~~A. The fencing shall prevent the entrance of children and be without hand or foot holds that would enable a person to climb over it.~~

~~B. The fencing shall be at least six (6) feet high and entrances shall be equipped with self-closing and self-latching gates capable of being locked.~~

~~C. Self-closing or self-latching devices shall be placed at the top of the gate or otherwise inaccessible to small children.~~

~~D. The opening between the bottom of the fence and the ground or other surface shall be not more than four (4) inches.~~

6. ~~Equipment Standards.~~

~~All new equipment purchased or installed on any swimming pool shall comply with the following applicable standards of the National Sanitation Foundation:~~

- ~~A. Standard No. 9 – Diatomite Type Filters for Swimming Pool Equipment, October, 1966.~~
- ~~B. Standard No. 10 – Sand Type Filters for Swimming Pool Equipment, October, 1966.~~
- ~~C. Standard No. 11 – Recessed Automatic Surface Skimmers, October, 1965.~~
- ~~D. Standard No. 17 – Centrifugal Pumps for Swimming Pools, January, 1966.~~
- ~~E. Standard No. 19 – Adjustable Output Rate Chemical Feeding Equipment for Swimming Pools, October, 1966.~~
- ~~F. Standard No. 22 – Swimming Pool Water Treatment Chemicals and/or Processes, May, 1968.~~
- ~~G. Standard No. 27 Multiport Valves for Swimming Pools, May, 1969.~~
- ~~H. Standard No. 28 Cartridge Type Filters for Swimming Pools, February, 1971.~~
- ~~I. Standard No. 38 Test Kits for Swimming Pools, November, 1970.~~

~~Equipment not covered by the above National Sanitation Foundation Standards shall not be installed or used before it has been approved by the City.~~

7. ~~Inspection.~~

~~The City shall be permitted access to all swimming pools for purposes of inspection of the pool and equipment at reasonable times and as often as deemed necessary to ensure compliance with this Chapter. Access to private pools shall be with the homeowner's permission or due process of law.~~

8. ~~Interference.~~

~~No person shall interfere with or hinder the City in the performance of its duties under the provisions of this Chapter or the laws of the State of Minnesota.~~

115.03 ~~REQUIREMENTS FOR PUBLIC POOLS~~

1. ~~License Required.~~

~~No person shall own, operate, maintain, lease or be responsible for any public swimming pool located within the City unless a license therefore has been obtained from the City pursuant to this Chapter.~~

~~2. Application.~~

~~The application for a swimming pool license shall be on forms furnished by the City and shall include such information as the City shall require. Such application for the issuance of such license, maintenance, termination and administration shall be in accordance with and subject to all conditions of this Code relative to general requirements for licensing as well as for the requirements of this Chapter. The City may deny the application for a license which fails to fully comply with these requirements.~~

~~3. Fees and Exemptions~~

~~The annual license fee and expiration date shall be provided in Chapter 11 of this Code. Persons owning, operating or maintaining schools, governmental subdivisions, churches, convents, rectories, parsonages or religious community centers shall be required to obtain a license but without payment of a license fee.~~

~~4. Revocation.~~

~~The City Council may revoke any license issued pursuant to this Chapter as provided in Chapter 11 of this Code or for any violation of any provision of this Chapter.~~

~~5. State Health Department Regulations Adopted.~~

~~Regulations of the Minnesota Health Department (MHD) 115 of the Minnesota State Board of Health, relating to "public swimming pools" including, all subsequent amendments thereto, are hereby adopted by reference and made, a part of the Fridley City Code, subject to the following addition and deletions:~~

~~A. MHD 115 (g) shall be amended by the addition of "Section 6, A life line with sufficient floats shall be provided at the break in grade between the shallow and deep portions of the swimming pool".~~

~~B. The following portions of the Minnesota Regulations, MHD 115, 1971, relating to public swimming pools are deleted from this Chapter and shall have no effect in the City of Fridley.~~

~~(1) All of Section (b), Page 3.~~

~~(2) All of Section (d), (3), Page 4.~~

~~(3) All of Section (i), (2), (gg), Page 6.~~

~~(4) All of Section (v), Page 17.~~

115.04 REQUIREMENTS FOR PRIVATE POOLS

1. ~~American Public Health Assn. Suggested Regulations Adopted.~~

~~The suggested Regulations for the Design and Construction of Private Residential Swimming Pools, 1970, prepared by the American Public Health Association are hereby adopted by reference and shall be in full force and effect in the City of Fridley as if set out here in full, subject to the following deletions:~~

A. ~~All of Section 1.2.1, Page 6.~~

B. ~~All of Section 6.2, Page 9.~~

C. ~~All of Section 7.1, Page 9.~~

D. ~~All of Section 14.1, Page 18.~~

E. ~~All of Section 17.1, Page 19.~~

F. ~~All of Section 19.2, Page 20.~~

2. ~~Decking Requirements.~~

~~A deck at least 3 feet wide, measured from the pool water's edge, shall be provided which extends completely around all private residential pools. Above ground private residential pools may be provided with decking of a minimum size of 4 feet by 4 feet at pool entry points and provided that such decking has the approval of the City. The deck shall be sloped away from the pool to drain at a grade of 1/4 to 3/8 inch per lineal foot and shall have a non-slip surface. (Ref. Ord. 631)~~

3. ~~Additional Inlet and Outlet Requirements.~~

~~All private residential pools with a depth greater than seven (7) feet at any point shall be provided with an outlet at the deepest point to permit the pool to be completely and easily emptied. Openings shall be covered by a proper grating which is securely fastened and which can not be readily removed by bathers. Outlet openings of the floor of the pool shall be at least four times the area of discharge pipe or shall provide sufficient area so the maximum velocity of the water passing through the grate openings shall not exceed one and one-half feet per second. The maximum width of grate openings shall be one-half inch. An antivortex type of drain may be used in lieu of gratings. Any pool newly constructed after May 1, 1976 which has a depth of less than seven (7) feet and which does not have an outlet to permit the pool to be easily and completely emptied shall be provided with a means of draining the pool such as pumping, drain opening or other means acceptable to the City.~~

115.05. PENALTIES

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Fridley City Code
Chapter TBD. Residential Swimming Pools

TBD.01 Purpose

The Fridley City Council (Council) finds that reasonable regulations of swimming pools is necessary to provide for the public health, safety and general welfare in the City of Fridley (City).

TBD.02 Definitions

Aquatic vessel, swimming pool, pool: A vessel, permanent or temporary, intended for swimming, bathing, or wading and that is designed and manufactured to be connected to a circulation system. Portable vessels 12 inches or less in designed water depth which are drained and filled daily are not considered aquatic vessels.

Building Official: designation by the Council to a City employee who is granted administrative authority for administration of the Fridley City Code (Code).

Circulation system: The mechanical components that are a part of a recirculation system on an aquatic vessel. Circulation equipment may be, but not limited to, categories of pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet/outlet fittings, and chemical feeding devices. The components have separate functions, but when connected to each other by piping, perform as a coordinated system for the purpose of maintaining the aquatic vessels water in a clear and sanitary condition.

Residential Pool: any pool connected with a single-family residence or owner-occupied duplex located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by the resident members or their invited guests. A residential pool is not a pool used as part of a business.

TBD.03 Permits Required

1. It is unlawful for any person to construct an aquatic vessel within the City without first having secured a permit. An application for this permit must be accompanied by the following:

(a) Proposed location of aquatic vessel illustrated on a certificate of survey with respect to the boundary lines of property.

(b) The types of equipment to be used in connection with the aquatic vessel including, but not limited to, filter unit, pump, heaters or other related equipment.

(c) Aquatic vessels requiring the excavation or addition of soil will be required to show the existing and proposed changes to the site's grading and drainage plan and must include an erosion control plan.

(d) A copy of the manufacturer's installation instructions for the aquatic vessel and all equipment associated with the aquatic vessel installation.

2. An aquatic vessel that is annually disassembled and assembled does not require a building permit but must comply with the requirements of the Code.

TBD.04 Compliance with Code

It is unlawful for any person to maintain an aquatic vessel that does not comply with this Code.

The Building Official may revoke any permit for failure to comply with this Code. Before a permit is revoked, the aquatic vessel owner must have notice in writing listing and describing the instances of failure to comply with this Code.

TBD.05 Residential Design and Construction Requirements

1. All aquatic vessels and related equipment must be installed per the manufacturer's printed installation instructions and in compliance with state law.

2. Unobstructed areas of not less than 36 inches wide must be provided to extend entirely around the aquatic vessel. The deck must be designed so as to prevent back drainage into the aquatic vessel. No deck is required for aboveground swimming pools.

3. Aquatic vessels may not be located within any required front yard.

4. Aquatic vessels may only be placed in rear yards

5. Aquatic vessels may not be located within a drainage and utility easement or below any overhead electrical line.

TBD.06 Drainage

Water discharged from any aquatic vessel may not be discharged into the sanitary sewer system. Water cannot drain onto or across any adjoining property. Erosion control best management practices must be followed when draining into the stormwater system, pursuant to the Erosion Control and Stormwater Management Chapter of the Code.

TBD.07 Barriers

1. All aquatic vessels must be completely surrounded by a fence or wall not less than four feet in height, which must be so constructed as not to have openings, holes or gaps larger than four inches in vertical or horizontal direction, including doors and gates. A dwelling or accessory building may be used as part of such enclosure.
2. All gates or doors opening through such enclosure must be equipped with a self-latching/self-closing device for keeping the gate or door securely closed at all times when not in actual use and be provided with hardware for locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates must be locked when the pool is not in use.
3. Fences must comply with the Fence Chapter of the Code.
4. Upon completing excavation of an aquatic vessel and in the absence of a permanent barrier or fence, a temporary fence (such as snow fence) may be installed with the approval of the building official. The maximum time allowed for a temporary fence is 30 days.
5. Aquatic vessels which are wholly enclosed within a building or structure are the only exceptions to the requirements set forth in this section.

TBD.08 Electrical and Mechanical Requirements

All mechanical and electrical equipment must be installed meeting the requirements of the manufacturer's printed installation instructions. Separate permits are required for electrical and mechanical installation.

TBD.09 Water Regulations

1. The filling of any aquatic vessels from a fire hydrant is prohibited. There may be no cross-connections of the City water supply with any other source of water supply for the pool. The line from the City water supply to the pool must be protected against backflow of polluted water by means of either an air gap, vacuum breaker or other adequate device to prevent back siphonage.
2. No aquatic vessels containing sewage, waste or other contaminating or polluting ingredients rendering the water hazardous to health are permitted.

TBD.10 Chemical Storage

The storage of chemicals must meet the requirements of the Minnesota State Fire Code.

TBD.11 Shielding Lights

Lights used to illuminate any aquatic vessel must be so arranged and shaded as to reflect light away from adjoining premises.

TBD.12 Unnecessary Noise

It is unlawful for any person to make, continue or cause to be made or continue at any aquatic vessel any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of an aquatic vessel, the use or permitting the use or operation of any radio, machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the aquatic vessel premises is prohibited.

TBD.13 Fees

The fees for this chapter are set in the Fees Chapter of the Code.



AGENDA REPORT

Meeting Date: January 22, 2024

Meeting Type: City Council Conference Meeting

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Emergency Operations Plan Update

Background

Staff will be providing an Emergency Operations Plan update.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: January 22, 2024

Meeting Type: City Council Conference Meeting

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Locke Park Intergovernmental Relations Discussion

Background

Staff will be provide an update on the Locke Park intergovernmental relations between the City of Fridley and County of Anoka.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.