

CHAPTER IV

BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400 - Building Code

400.01. Title. Subdivision 1. Building code. This section is the building code of the city.

Subd. 2. State building code adopted.

- (a) The Minnesota State Building Code as amended and embodied is the rules of the Minnesota Commissioner of Administration established pursuant to Minnesota State Statutes 16B.59 to 16B.73 hereby adopted as the building code for the city of Robbinsdale. Such code is hereby incorporated in this code as completely as if set out in full. A copy of the State Building Code shall be kept available for public use in the office of the building official.
- (b) Procedures and administration. The 2007 Minnesota State Building Code includes the following Chapters of Minnesota Rules which are hereby adopted by reference:
 - (1) 1300 Administration of the Minnesota State Building Code
 - (2) 1301 Building Official Certification
 - (3) 1302 State Building Code Construction Approvals
 - (4) 1303 Minnesota Provisions
 - (5) 1305 Adoption of the 2006 International Building Code
 - (6) 1307 Elevators and Related Devices
 - (7) 1309 Adoption of the 2006 International Residential Code
 - (8) 1311 Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings
 - (9) 1315 Adoption of the 2005 National Electrical Code
 - (10) 1325 Solar Energy Systems
 - (11) 1330 Fallout Shelters
 - (12) 1335 Floodproofing Regulations
 - (13) 1341 Minnesota Accessibility Code
 - (14) 1346 Adoption of the Minnesota State Mechanical Code
 - (15) 1350 Manufactured Homes
 - (16) 1360 Prefabricated Structures
 - (17) 1361 Industrialized/Modular Buildings

- (18) 1370 Storm Shelters (Manufactured Home Parks)
- (19) 4715 Minnesota Plumbing Code
- (20) 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code

(Amended, Ord. No. 98-15; Ord. No. 03-10; Ord. No. 07-12)

Subd. 3. Enforcement. The building inspector in the department of public works (referred to in this chapter as the "director") is the building official of the city and has primary responsibility for the enforcement of this chapter. The building official has the authority granted by the State Building Code in the discharge of official duties and for the purpose of making inspections or tests of any construction, installation or device. The application, administration and enforcement of the code shall be in accordance with Minnesota Rules, Chapter 1300. The code shall be enforced by the Minnesota Certified Building Official designated by the city of Robbinsdale to administer the code (Minnesota State Statutes, 16B.65, subdivision 1). (Amended, Ord. No. 03-10)

Subd. 4. Demolition of buildings. The demolition of buildings or structures in the city, except for residential structures, must be approved by the city council. Residential structures may be demolished only after a permit is issued from the city. Demolition must be carried out in accordance with specifications approved by the city council and placed on file with the city.

Subd. 5. Moving buildings. Building or structure moving activities must be carried out in accordance with specifications approved by the city council and placed on file with the city. The city council must review and approve any building moving when the destination is in the city.

Subd. 6. Penalties. A person who violates a provision of this section or fails to comply therewith, or who violates or fails to comply with any order or regulation made hereunder, or who builds in violation of a detailed statement or specifications or plans submitted and approved hereunder, or a certificate or permit issued hereunder, is guilty of a misdemeanor for each violation or failure to comply. The imposition of one penalty for a violation of this section does not excuse the violation or permit it to continue. A person will be required to correct or remedy a violation or defect within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained constitutes a separate offense. The owner of a building, structure or premises where anything in violation of this section is placed or exists, and an architect, building contractor, agent or person employed in connection therewith, and who may have assisted in the commission of the violation are each guilty of a separate offense. The imposition of any penalty for violation of this section does not prevent the enforced removal or correction of prohibited conditions.

400.03. Window air conditioners and air conditioning condensing units: installation and placement. Window air conditioning units and air conditioning condensing units must be so placed or so installed so as not to:

- (a) disturb the peace and quiet of a neighborhood;
- (b) disturb the repose and rest and sleep of any person residing on premises abutting the premise on which a window air conditioner or an air conditioning condensing unit (or conditioners or units) is placed or installed; or

(c) constitute a nuisance.

400.05. Permit fees. Subdivision 1. Resolution. The fees for building, plumbing, mechanical, and other permits required by this chapter are set by Appendix B.

Subd. 2. Copy filed. Three copies of the fee resolution are filed in the office of the city clerk for ready reference by the city officials and the public.

Subd. 3. Violations. Unless otherwise provided in this code, the continued violation of a provision of this chapter constitutes a separate offense for each day the violation continues.

Section 401 – Minnesota Electrical Act
(Added, Ord. No. 11-11)

401.01. Purpose. The purpose of this amendment is to establish an electrical inspections program in the City of Robbinsdale that is administered and enforced by the City when such services are not provided by the State of Minnesota.

401.03. Authority to inspect. The City of Robbinsdale hereby provides for the inspection of all electrical installations, pursuant to Minnesota Statutes, section 326B.36, subdivision 6.

401.05. Adopted by reference. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes, chapter 326B, sections 326B.31 to 326B.399. The Minnesota Electrical Act is hereby incorporated into this section as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minnesota Rules 1315.0200. All such codes incorporated herein by reference constitute the electrical code of the City of Robbinsdale.

401.07. Compliance. All electrical installations shall comply with the requirements of the electrical code of the City of Robbinsdale and this section.

401.09. Permits and fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, section 326B.37. Any inspection or handling fees will be payable to the City of Robbinsdale. In addition, a state surcharge fee of 50 cents shall be collected on all permits issued for work governed by this section in accordance with Minnesota Statutes, section 326B.148.

401.11. Notice and appeal. All notices of violations and orders issued under this section shall be in conformance with Minnesota Statutes, section 326B.36, subdivision 4.

401.13. Violations and penalties. A violation of the Minnesota Electrical Act is a misdemeanor. (Minnesota Statutes, section 326B.082, subdivision 16)

401.15. State to provide services when able. This section of City Code is suspended during any period of time when the State of Minnesota is able to provide the electrical inspection services described herein.

Section 405 - Licensed Construction Activities

405.01. Plumbing. No person may engage in the business of installing, altering, extending, repairing or maintaining plumbing work or house drainage or connecting plumbing installations without a license from the city. Licenses will be issued only to individuals or contractors as provided by the applicable statutes of the state. A person not so licensed may do plumbing work which complies with the provisions of the minimum standards prescribed by this chapter on premises or that part of premises owned and actually occupied by the person as a homestead if the person files with the building official an affidavit showing that the person performed the actual work in the homestead. Application for the license is made to the city council and such license will be granted upon proof of the applicant's qualifications and upon the filing of a certificate of insurance to the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. In lieu of the insurance requirements above, insurance with the state of Minnesota will be accepted in accordance with Minnesota Statutes, section 326.40. The annual fee for a license to engage in the business of plumbing is fixed by council resolution. Plumbing licenses expire annually on December 31. Applications for licenses are considered by the city council, and, if approved by the city council, a license will be issued by the city clerk. Licenses are not transferable. The license fee is paid to the city clerk at the time of filing on the application. The license fee may not be prorated. (Amended, Ord. No. 03-22)

405.03. Electrical. No person may engage in the business of installing, altering, extending, repairing, or maintaining electrical work of any kind or nature unless a license to do such work is first obtained from the state. Anyone not so licensed may do electrical work which complies with the provision of the minimum standards prescribed by this chapter on premises or that part of premises owned and actually occupied by that person as a homestead if the person files with the director an affidavit showing that the person performed the actual work in the homestead.

405.05. Heating and air conditioning. No person may engage in the business of installing or repairing heating or air conditioning plants, equipment or work for any purpose whatsoever in the city without first having procured a license therefor. Licenses shall be issued only to individuals or contractors who show a thorough understanding of the laws and regulations governing heating and air conditioning installation and who demonstrate sufficient knowledge, skill and training to enable them to carry on such work. Application for license is made to the city council and may be granted upon proof of the applicant's qualifications therefor and upon the filing of a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. The annual fee for a license to engage in the business of installing and repairing heating and air conditioning is set in Appendix B. A heating and air conditioning license expires annually on December 31. Applications for licenses will be considered by the city council, and if approved by the city council, a license will be issued by the city clerk. Licenses are not transferable. The fee for the license will be paid to the city clerk at the time of filing on the application. The license fee may not be prorated. (Amended, Ord. No. 03-22)

405.07. Sewer maintenance. No person may engage in the business of placement, replacement, alteration or repair of a sewer or house drainage system without a license from the city council. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for a license is made to the city council and may be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. The license expires annually on December 31. Licenses are issued by the city clerk. Licenses are transferable from one person, firm or corporation to another person, firm or corporation. (Amended, Ord. No. 03-22)

405.09. Excavators. No person may fill, excavate, dig or grade the surface of the earth nor open any pits or excavated areas in the earth nor do any other acts which would raise or lower the grade of any land, if the same has an area of more than 1,000 square feet and a depth of more than 1 foot or will raise the grade more than 1 foot, without a license. Persons licensed as general contractors or movers and wreckers do not require an excavator's license. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for a license is made to the city council and the license will be conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Applications for licenses will be considered by the city council, and, if approved by the city council, a license will be issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. The license fee may not be prorated. (Amended, Ord. No. 03-22)

405.11. Plastering, stucco, and lathing. No person may engage in the business of plastering, stucco work, or any lathing work without a license from the city council. Licenses will be issued only to individuals or contractors as provided by the applicable statutes of the state. Anyone not so licensed may nevertheless do plastering, stucco, and lathing work, which complies with the minimum standards established by this chapter on that person's homestead if the person first files with the inspector an affidavit to that effect. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for such license is made to the city council and such license will be granted by a majority vote of the council upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Applications for licenses will be considered by the city council, and, if approved by the city council, a license will be issued by the city clerk. Licenses are not transferable. The annual license fee must be paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

405.13. Contracting. No person may engage in the business of subcontracting the construction, alterations, or repair of any building without a license. Licenses will be issued only to individuals or contractors as provided by the applicable statutes of the state of Minnesota. Application for a license is made to the city council and will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. The contractor must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

405.15. Masonry work. No person may engage in the business of doing masonry work without a license from the city council. Licenses will be issued only to individuals or contractors as provided by the applicable statutes of the state of Minnesota. A person not so licensed may nevertheless do masonry work which complies with the minimum standards established by this chapter on the persons own homestead if the person first files with the building official an affidavit to that effect. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

405.17. Roofing license. No person may engage in the business of roof surfacing, roof resurfacing, or any roofing work without a license from the city. Licenses are issued only to individuals or contractors as provided by the applicable statutes of the state of Minnesota. A person not so licensed may do roofing work which complies with the minimum standards established by this chapter on the person's own homestead if the person first files with the building official an affidavit showing that the person will perform the actual work in the homestead. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. Licenses expire annually on December 31. Licenses are issued by the city clerk. The license fee must be paid to the city clerk at the time of filing the application. License fees may not be prorated. The license fee is fixed by Appendix B. Licenses are not transferable. (Amended, Ord. No. 03-22)

405.19. Excavations. Subdivision 1. Permits required. No person may fill, excavate, dig or grade the surface of the earth nor open any pits or excavated areas in the earth nor do any other acts raising or lowering the grade of any land, if the same has an area of more than 1000 square feet and a depth of more than one foot or will raise the grade more than one foot, without first obtaining a permit. A permit is not required for excavating necessary for construction of a building for which a building permit has been issued.

Subd. 2. Application - permit fee. A person desiring an excavation permit must apply to the director of public works setting out the name of the applicant, the general description of the grading or excavating to be covered by the permit, the location of the proposed filling, grading or excavating, the purpose, area, depth and grade, the estimated quantity of materials to be removed or filled into the premises, the route of travel in the city upon which hauling will take place, the time that work will begin and the time of anticipated completion, and such other information as the director may require. The permit fee is fixed by Appendix B.

Subd. 3. Granting. The council will examine the application with the purpose in mind of protecting and preserving the health, safety and general welfare of the inhabitants of the city. The council may, either as a prerequisite to the granting of such a permit, or as a condition to the granting of a permit, require the applicant to do any act or not do any act which it may deem reasonably necessary for the protection of property.

Subd. 4. Bond. The council may require the filing of a surety bond or cash deposit with the city, conditioned to pay the city any extraordinary expense the city may have by reason of the excavating or grading.

Subd. 5. Violations. A person who, having obtained a permit, fails to comply with the conditions of the permit or fails to complete the excavating or grading in the time prescribed in the application or permit, or who fails to act in accordance with the work authorized by the permit, is guilty of a violation of this subsection.

Subd. 6. Revocation. The council may revoke an excavation permit for non-compliance with the terms and conditions of the permit. The director may order the permittee by ten day's written notice to perform additional work to bring the excavation into compliance before further work is done under the permit.

405.21. Crane license. No person may stand a crane in the right-of-way to engage in business without a license from the city council. Licenses will be issued only to individuals or contractors as provided by the applicable statutes of the state of Minnesota. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications and conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Added, Ord. No. 03-22)

Section 410 - Signs

410.01. Title. This section may be referred to as the Robbinsdale sign ordinance.

410.03. Purpose. This section is adopted to protect and promote the public health, safety, and general welfare. It is the intent of this section to protect and preserve the integrity of residential areas, to reduce traffic and safety hazards, to promote an aesthetically pleasing environment, to promote equity in sign communication, and to otherwise implement the goals, objectives, and policies of the comprehensive municipal plan by the application of uniform regulations and exterior signage.

410.05. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given them. Where a question arises regarding the definition of a term not defined herein, the definition of the term has the meaning given by the zoning code. (Appendix A)

Subd. 2. "Advertising sign" means a sign that is used to advertise business, professions, uses, products, goods, or services (including entertainment) not related to the premises at which the sign is located.

Subd. 3. "Business sign" means a sign that identifies a business or group of businesses, a profession or use located upon the premises where the sign is located; or a sign that identifies or promotes products, goods, or services (including entertainment) offered for sale or sold upon the premises at which the sign is located.

Subd. 4. "District" means a zoning district established and defined by the zoning code.

Subd. 5. "Enforcement officer" means an individual appointed by the city manager responsible for administering and enforcing this section.

Subd. 6. "Establishment" means any of the following:

- (a) A distinct business entity situated as the sole occupant of a single structure.
- (b) A distinct business entity, with a separate exterior entrance, located in a separate structure attached to other structures by common walls or facade, or attached by means of an enclosed arcade.
- (c) A distinct business entity contained within a multiple tenant structure, possessing a single, common entrance for all establishments, or
- (d) A distinct business entity contained within a single structure, not separated by walls or other physical barriers, where the business entity is made distinct by its existence as a separate leasehold, by its operation by separate entrepreneurs, or by its singularity of purpose.

Subd. 7. "Flashing sign" means a sign illuminated by lights that are varied in intensity or color and that is capable of rapidly changing copy or images in intervals of less than one hour; the term does not include time and temperature or electronic message center signs governed by subsection 410.07. (Amended, Ord. No. 07-07)

Subd. 8. "Exterior sign" means a sign which is erected exterior to a structure. The term does not include signs erected interior to a structure in such a manner as to be visible from the exterior.

Subd. 9. "Free-standing sign" means a stationary or portable self-supporting sign.

Subd. 10. "Ground elevation" means the average curb elevation along the street frontage upon which a free standing sign is to be erected, or a roof or wall sign is to face.

Subd. 11. Non-conforming sign means any of the following:

- (a) Legal - means a sign lawfully in existence that does not conform with the provisions of this section.
- (b) Illegal - means a sign that does not conform to the provisions of this section.

Subd. 12. "Message center sign" means a sign that is remotely programmable to change copy or messages, and which is equal to less than one-half of the available wall or ground sign in which it is included, and which, in no case, is larger than 25 square feet. The sign may include letters or numbers, but it cannot create the effect of movement, or change messages in intervals of less than one hour. Examples of message center signs include signs which display scheduled worship services, events in churches, gasoline prices or movie marquis information. A message center sign's light intensity shall be limited to one-foot-candle as measured anywhere on any abutting parcel or right-of-way. (Added, Ord. No. 07-07)

Subd. 13. "Off-site directional sign" means a sign directing visitors to a specific property but not located on the said property. (Added, Ord. No. 01-06)

Subd. 14. "Roof sign" means a sign mounted on a building roof. A sign mounted on a roof in such a manner that it extends more than one foot below eave height or the top of a parapet wall is both a roof sign and a wall sign for the purposes of applying the provisions of subsection 410.09. (Amended, Ord. No. 07-07)

Subd. 15. "Shingle sign" means a three-dimensional sign that projects from the front of a building façade over a sidewalk, but not over a street or alley. Generally, the sign is perpendicular to the plane of the building façade. (Added, Ord. No. 07-07)

Subd. 16. "Sign" means letters, words, symbols, poster, billboard, picture, device, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, printed, posted, affixed, digital, video, constructed, or displayed for purposes of information or communication: the term includes structural supports, uprights, bracing, and framework and architectural or graphic features that are intrinsically associated with a particular product, good, service, business, firm, corporation, or profession. (Amended, Ord. No. 07-07)

Subd. 17. "Sign area" means the physical area of a sign constituted of the face upon which the advertisement is borne. In the case of signs constituted of individual figures, symbols, or components attached directly to a building wall or other integral construction feature of a building, sign area is that area included in the smallest square or rectangular geometric figure that can be drawn to circumscribe the entire message or communication. The permitted sign area for a sign applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed. (Amended, Ord. No. 07-07)

Subd. 18. "Sign face" means a separate planar or curved surface created by a sign upon which an advertisement is borne: when a sign is constituted of more than one planar surface bearing advertising, separate planar surfaces intersecting at greater than 160 degrees interior angle constitute a single face. (Amended, Ord. No. 07-07)

Subd. 19. "Special purpose sign" means a sign erected for the purpose of fulfilling a purpose other than that performed by a business or advertising sign: The term includes but is not limited to political campaign signs, real estate sale and lease signs, construction signs, institutional identification signs, directional signs, public information signs, identification signs, and other signs of a solely non-commercial nature. (Amended, Ord. No. 07-07)

Subd. 20. "Wall sign" means a sign that is affixed to the wall of a building, including signs attached to windows, doors, marquees, canopies, or parapet walls: a sign affixed to a wall in such a manner that it extends more than one foot above eave height or the top of a parapet wall is both a wall sign and a roof sign for the purposes of applying the provisions of section 410.09 of this section. (Amended, Ord. No. 07-07)

410.07. General provisions. Subdivision 1. Permit required. Except as provided in subsection 410.25, exterior signs proposed to be erected in the city require a permit. The permit number and date of the permitted sign's erection must be prominently displayed on the sign structure.

Subd. 2. Construction. A sign may not be attached to or supported by rocks, fences, trees, or utility poles. A sign may not be erected so as to interfere with utility wires or supports thereof. Signs must be constructed in conformance with Chapter 4 of the 1976 edition of the Uniform Sign Code promulgated by the International Conference of Building Officials which is adopted by reference. Electric signs must conform with the electrical code and require an electrical permit. (Amended, Ord. No. 07-07)

Subd. 3. Motion. A sign may not display any moving parts. Signs, except barber poles, may not rotate. A sign may not be subject to visible movement from normal wind pressure.

Subd. 4. Illumination. A sign may not be illuminated by flashing or intermittent lights. Electronically or electrically controlled time and temperature signs and message centers that display changing copy by means of a lamp bank of relatively constant light intensity are exempt from this subdivision, however, such message center signs may not flash, blink, flicker or exhibit rapidly changing information, or create the effect of movement. Light from illuminated signs must be shielded to prevent direct reflection onto adjacent private property or a public right-of-way. A sign may not be illuminated in such a manner as to imitate an official traffic control device, nor may the intensity of illumination of a sign obstruct the visibility of an official traffic control device. Incandescent light bulbs utilized for illumination of signs are limited to a maximum of 20 watts per bulb when mounted on the exterior of a sign. Signs located on property abutting residential property, except time and temperature signs, may not be illuminated between the hours of 11 o'clock p.m. and six o'clock a.m. The provisions of this subdivision apply to an interior sign visible from the exterior, the provisions of subsection 410.05, subdivision 8 notwithstanding. (Amended, Ord. No. 07-01)

Subd. 5. Projection. A wall sign may not project more than 18 inches from the surface to which it is affixed. A sign, except for wall signs possessing a maximum projection of 18 inches or affixed to a canopy or marquee, may not project over public right-of-way or a public or private access route (sidewalk, etc.). A sign that projects over public right-of-way or public or private access routes must be located a minimum of eight feet above surface grade. Shingle signs are exempt from this section. (Amended, Ord. No. 07-07)

Subd. 6. Height. A wall sign may not exceed the building eave in height. A roof sign may not be erected the top of which measures more than 30 feet in height when measured from ground elevation. A free standing sign may not exceed 30 feet in height when measured from ground elevation.

Subd. 7. Setback and placement. Except for traffic control or traffic directional signs, signs in the B-1, B-2, B-3, B-4, and B-W zoning districts must be located behind the required front building setback in the district in which the premises are located. Except for traffic control or traffic directional signs, signs in the R-1, R-2, R-3, and R-B zoning districts must be located not closer than five feet from a property line. A wall sign possessing a maximum projection of 18 inches will not be considered as encroachment on any required setback. A free standing sign may not be erected within 15 feet of a street intersection, as measured from the street surfaces. No sign, except that of a governmental agency, may be erected or placed in a public right-of-way without the approval of the city council. Signs may not be placed on or within a private right-of-way without the approval of the city council. Signs may not be placed in such a manner as to create a hazard to public health or safety, nor may a sign by reason of its placement obstruct the visibility of any traffic control device. A sign may not be placed so as to prevent free egress from or access to any door, window, or fire escape. A sign may not be affixed to any stand pipe or fire escape or be placed so as to obscure emergency equipment or information (e.g. fire extinguishers, fire hoses, first aid kits, alarms, emergency procedures, etc.), or to obstruct a fire lane.

Subd. 8. Number of faces and sign area. A single sign may display any number of faces. The permitted sign area applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed; i.e., $a = 2x \div y$ where "a" represents the maximum area of an individual sign face, "x" represents the maximum permitted area of the sign, and "y" represents the total number of faces proposed for a given sign.

Subd. 9. Obscene material. A sign may not display material determined to be obscene, as defined by law.

Subd. 10. Maintenance and repair. Signs must be properly maintained and kept in a safe state of repair. Signs must be maintained free of peeling or chipping paint or rust. A sign structure that is determined to be rotted, deteriorated, defaced, or otherwise hazardous must be repaired or replaced by the owner of the sign upon written notification by the enforcement officer.

410.09. Zoning district provisions. Subdivision 1. Residential districts. Except as provided for in subsection 410.11 special provisions, signs may not be erected in the R-1, R-2, or R-3 residential zoning districts. (Amended, Ord. No. 07-07)

Subd. 2. Residential-business district. Except as provided for in subsection 410.11 signs erected in the R-B residential district must comply with the following:

- (a) Type. An establishment may erect wall signs or freestanding signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)
- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs erected along any one building wall may not exceed the total permitted area established by clause (c). An establishment may also erect a maximum of one free standing sign along each building wall. For the purposes of this section building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)
- (c) Size.
 - (1) The cumulative area of wall signs erected on one building wall may not exceed 25 square feet plus one square foot of area for each additional one foot that the required sign setback is exceeded, up to a maximum of 50 square feet of sign area.
 - (2) The maximum size of a free standing sign is 25 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage, if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 50 square feet of sign area. (Amended, Ord. No. 07-07)
 - (3) The total area of all signs erected upon and along an individual building wall may not exceed 75 square feet. (Amended, Ord. No. 07-07)

Subd. 3. Business districts. Except as provided for in subsection 410.11 signs erected in the B-1, B-2, B-3, B-4, and B-W zoning districts must comply with the following:

- (a) Type. An establishment may erect wall signs or free standing signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)

- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs does not exceed the total permitted area established by clause (c). An establishment may erect a maximum of one free standing sign along each building wall. Building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)
- (c) Size.
- (1) The cumulative area of all wall signs erected on one building wall may not exceed 50 square feet plus one square foot of area for each additional one foot that the required sign set back is exceeded, up to a maximum of 100 square feet of sign area.
 - (2) The maximum size of a shingle sign is six square feet and there shall be a minimum of ten feet clearance between the sign and the sidewalk. (Amended, Ord. No. 07-07)
 - (3) The maximum size of a free standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 100 square feet of sign area.
 - (4) The total area of all signs erected upon and along an individual building wall may not exceed 150 square feet.

410.11. Special provisions. Subdivision 1. Special purpose signs. The special purpose signs described in this subsection are permitted in all zoning districts, subject to the restrictions specified.

Subd. 2. Safety, warning, and hazard signs. A sign required by the Minnesota Occupational Safety and Health Administration (OSHA) or its federal counterpart, is permitted within any district. Such signs must conform to the size and placement standards established by OSHA, or if no standards have been adopted, then the sign shall conform to size and placement specifications of the enforcement officer. Such signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 3. Identification signs. A sign of less than five square feet in area which serves solely to identify that name of the business, manager, resident, or address of the premises where the sign is located, is permitted in all districts. Such signs may include no advertising material, and may not include the names of a permissible home occupation within residential districts. Placement of identification signs is limited to one such sign for each street frontage from which either a principal or service entrance to the building is provided. Permitted identification signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 4. Holiday and business hours signs. A sign of less than five square feet that serves to solely identify a holiday is permitted in all zoning districts. The sign may not be displayed for more than 30 consecutive days preceding the holiday identified and must be promptly removed on the day following the holiday. A sign of less than five square feet that serves to identify the operational hours of an establishment is permitted in all zoning districts. Neither permitted holiday nor business hours signs are included in the maximum number of signs allowed under subsection 410.09.

Subd. 5. Real estate sale and rental signs. Signs erected for the sole purpose of sales or rental of property, structures, or space therein are permitted in all zoning districts, provided that the sign is erected on the premises to which the sign refers. The sign may not exceed one quarter square foot of sign area for each foot of property frontage, along which the sign is to be erected, up to a maximum size of 25 square feet in area. Only one real estate sign may be erected along each street frontage. If the sign is erected as a free standing sign, it may not exceed four feet in height and must be securely anchored to prevent its dislodgement by normal wind pressure. The sign must be removed within seven days of sale or rental. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 6. Political campaign signs. Signs placed for the sole purpose of announcing support for or opposition to either a candidate or issue in a forthcoming special or general election are permitted in all zoning districts. The signs may not exceed five square feet in area when placed within an R-1, R-2, R-3, or R-B district, nor exceed 25 square feet in any B-1, B-2, B-3, B-4 or B-W district. All political campaign signs of any size may be placed in any number from 46 days before the state primary in a state general election year until ten days following the state general election. Political campaign signs, other than above, may not be displayed for a period exceeding 46 days preceding the election which is the subject of the sign. The signs must be removed within ten days following the election. Political campaign signs must be confined to private property and must be securely anchored to prevent their dislodgement by normal wind pressure. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. 05-01; Ord. 05-09; Ord. 10-14)

Subd. 7. Construction and occupancy signs. Signs erected for the sole purpose of displaying the names of responsible persons, firms, contractors, etc. involved with the construction, alteration, or repair of a structure are permitted in all zoning districts. The signs are limited to one per street frontage. The signs may not exceed 25 square feet in any R-1 or R-2 district or 50 square feet in any R-3, R-B, B-1, B-2, B-3, B-4, or B-W district. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. A sign intended principally to identify the name or nature of a future tenant or occupant of a structure under construction is permitted in all districts, subject to the same restrictions as construction signs. A premises may display either one construction sign or one occupancy sign per street frontage. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 8. Informational and directional signs. Signs erected principally for the purpose of providing information, instructions, or directions to employees, visitors, or delivery vehicles, etc. are permitted in all districts. The sign may contain the name of an establishment, but the sign must predominantly represent an informational or directional sign. The signs may not exceed ten square feet in area, and if erected as a free standing sign, eight feet in height. The signs must be permanently affixed to the ground or a structure. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 9. Institutional and governmental signs. Signs erected for the sole purpose of identifying an institutional use (e.g. church, hospital, nursing home, etc.) or governmental use (e.g. public park, public building, etc.) are permitted in all zoning districts wherein the institutional use or governmental use is permitted. When such signs are to be located within any R-1, R-2, R-3, or R-B district, the signs must conform to the provisions of subsection 410.09, subdivision 2. When such signs are to be located within any B-1, B-2, B-3, B-4 or B-W district, the signs must conform to the provisions of subsection 410.09, subdivision 3. In instances of governmental uses where the principal use is not contained in a structure, such as parks, free standing signs may be substituted for wall signs, and when access to the premises of a governmental use is provided by means other than by street frontage (e.g. pedestrian walks) an additional sign may be located at each such access.

Subd. 10. Integral signs. Signs constructed as an integral part of a building such as memorial plaques, building names or dates, etc. are permitted in all zoning districts. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 11. Garage sale signs. Signs erected to advertise a sale such as a garage or estate sale are permitted in all zoning districts. The signs may be erected only for the day of the advertised sale and must be removed upon close of the sale. The signs are limited to placement only upon the premises where the advertised sale is to be conducted. The signs may not exceed five square feet in area.

Subd. 12. Portable signs, pennants; temporary permits. A sign of a portable nature, pennant or similar sign may not be erected in any zoning district, except by temporary permit issued by the enforcement officer. Temporary permits are valid for a period not to exceed ten days. A temporary permit for a sign may not be renewed more than twice. Temporary permits for a portable sign, pennant, etc. may not be issued to the same premises for the same type of sign more than three times in any 12 month period. For the purpose of this subsection a renewal constitutes a separate permit and each separate sign represents a separate permit request. The signs are not included in the maximum number or maximum permitted sign area allowed under subsection 410.09, but such signs are otherwise subject to all restrictions applied under that subsection. (Amended, Ord. No. 90-18, Sec. 2; Ord. No. 09-10)

Exceptions: A temporary sign of five square feet or less promoting a civic or community event or benefit for or by a non-profit or service organization may be approved by the City Council for a period not exceeding ten days and if approved by the City Council, such signs may be placed on an off-site private or public location with the permission of the property owner or agency. (Added, Ord. No. 09-10)

Subd. 13. Banners. Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions: (Added, Ord. No. 09-10)

- (a) A banner(s) promoting a product, service or event on the premises for which it is intended may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations. Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10)
- (b) Banners may be authorized by the City Council for a time period exceeding 30 days. (Added, Ord. No. 09-10)
- (c) A civic or community event banner promoting a civic function or community event may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided: (Added, Ord. No. 09-10)
 - (1) The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code. (Added, Ord. No. 09-10)

- (2) The banners must be individually approved for specific locations. (Added, Ord. No. 09-10)
- (3) There may be no more than one banner per location. (Added, Ord. No. 09-10)
- (4) Banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10)

Subd. 14. Street spanning community event banners. Community event banners may be displayed spanning the West Broadway public right-of-way between the south edge of 41st Avenue North and the north edge of 42nd Avenue North subject to the following conditions: (Added, Ord. No. 11-09)

- (a) A banner promoting a noncommercial, community-wide event open to the general public may be displayed on a City-owned banner wire spanning West Broadway with approval by the City Council; and (Added, Ord. No. 11-09)
- (b) Banners may only be authorized for City special events, City partnership events and "not for profit organizations" that are promoting a public event of substantial community-wide interest; and (Added, Ord. No. 11-09)
- (c) All banners must conform to administrative guidelines prepared by the City Manager and adopted and amended by Council resolution including, but not limited to the following: (Added, Ord. No. 11-09)
 - (1) Application process;
 - (2) Banner material and size specifications;
 - (3) Design and content approval process;
 - (4) Scheduling and conflict resolution;
 - (5) Exceptions; and(Added, Ord. No. 11-09)
- (d) Cost/fees/procedures: (Added, Ord. No. 11-09)
 - (1) A banner application and banner policy and procedure form must be obtained from the City Clerk's office and completed by the party making the request and returned to the City Clerk's office no less than 30 days prior to the date requested to hang the banner; (Added, Ord. No. 11-09)
 - (2) A diagram showing the exact text and artwork for the banner must be included with the application; (Added, Ord. No. 11-09)
 - (3) The fee for the banner installation and any insurance requirement shall be set by Appendix B; (Added, Ord. No. 11-09)
 - (4) All approved banners must be delivered to the police/fire building by noon the Friday prior to the Monday hang date. Late fees shall be set by Appendix B. (Added, Ord. No. 11-09)

- (5) Banners must be picked up from the police/fire building within seven days after the display week(s). The City assumes no responsibility for banners and any banners left more than one week may be discarded; and (Added, Ord. No. 11-09)
- (e) City staff has the authority to refuse the placement of cross-street banners which, because of previous use, are in poor condition; and (Added, Ord. No. 11-09)
- (f) City staff may remove any banner in the event that it becomes a danger to public safety, due to banner deterioration, storms, high winds, etc. (Added, Ord. No. 11-09)

Subd. 15. Civic and charitable events signs. Signs erected for the sole purpose of announcing a civic or charitable event or activity sponsored by a non-profit organization are permitted in all zoning districts. The signs may not be displayed for a period exceeding 14 days preceding the event or activity advertised, and the signs must be removed immediately upon completion of the event or activity. The sign may not be displayed for more than 30 consecutive days. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. When placed within a residential district, civic or charitable event signs are restricted to placement only upon the premises where the event or activity will take place. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 09-10; Ord. No. 11-09)

Subd. 16. Area identification signs. Signs erected for the sole purpose of identifying the name and address of a recognized neighborhood, residential subdivision, or multiple family residential complex are permitted in all zoning districts. The signs must conform in all respects to the provisions of subsection 410.09, subdivision 2. Signs erected for the sole purpose of identifying the name of a recognized commercial area (not shopping center) are permitted in commercial districts, subject to the approval of the City Council. The signs must generally conform in all respects to the provisions of subsection 410.09, subdivision 3, provided that the City Council may authorize alternative standards for such signs. (Amended, Ord. No. 09-10; Ord. No. 11-09)

410.13. Multiple tenant structures. Subdivision 1. General rule. Structures containing multiple tenants or establishments or structures connected to other structures must conform to the provisions of this subsection, in addition to the applicable district provisions contained in subsection 410.09.

Subd. 2. Structures with common entrance. Establishments contained within a multiple tenant structure, for which a common exterior entrance for all tenants is provided, are collectively limited to the same types, numbers, and sizes of signs permitted for an establishment contained in a single tenant structure.

Subd. 3. Structures connected by common walls or facade. Establishments contained within structures connected to other structures by means of common walls or a common facade but each possessing a separate exterior entrance, may display the same number, sizes, and types of signs that would be permitted for establishments contained within separate structures. In the case of establishments contained in shopping centers, each establishment may erect only wall signs and roof signs in conformance with the applicable district provisions. However, one free standing sign to serve the entire center may be erected along each building wall of the shopping center. The maximum size of such free standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is to be erected exceeds 50 feet in length, up to a maximum of 200 square feet of sign area. For the purpose of this section a "shopping center" means a commercial area (i) planned and developed as an integrated whole with an undivided or unsegregated parking area serving the entire center, or (ii) advertised or promoted as a shopping center.

410.15. Public service facility signs. Signs provided in conjunction with a public service facility are exempt from the requirements of section 410.09. Public service facilities include, but are not limited to, the provision of benches and trash receptacles for public use on public or private property. The provision of signs in conjunction with such public service facility requires the approval of the city council. The city council in approving such signs may stipulate conditions it deems necessary to insure consistency with the purposes and intent of this section. The city council may revoke the approval of such signs for cause. The total sign area of signs placed in conjunction with any individual public service facility may not exceed a total of 12 square feet. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 07-07)

410.16. Off-site directional signs for religious institutions. Off-site directional signs for religious institutions surrounded predominately by R-1 and R-2 zoned property may be permitted for those religious institutions located within the city and zoned R-1 or R-2. A maximum of two sites for the installation of such an off-site sign, shall be permitted for each religious institution provided that the site is located in the public right-of-way, or on private property immediately adjacent to a collector, arterial, or minor arterial road leading to the religious institution. Each site may contain a single or double-faced sign. Double-faced signs means two signs placed back to back on a single pole. Approval of the proposed sign(s) and its/their location(s) must be obtained from the governing transportation jurisdiction or property owner and the city. Such sign(s) shall be designed and maintained per section 841.07. No sign permit shall be required. However, a fee will be charged for installation, review and approval. City approval shall include approval of a license pursuant to section 841 of the city code. For purposes of this section, a religious institution is an institution recognized as such under section 501(c)(3) of the Internal Revenue Service Code. No more than two off-site directional signs are allowed for any property. If more than one religious institution occupies the same building or property the maximum of two signs/sites still applies. (Added, Ord. No. 01-06; Amended, Ord. No. 02-11; Ord. No. 07-07)

410.17. Non-conforming uses. A legal non-conforming use may display signs in conformance with the provisions for the most restrictive district in which the use may be permitted by the zoning code.

410.19. Discontinuance of advertised uses. Signs which advertise or identify a use, establishment, product, or service no longer located or provided on the premises where the sign is placed, must be removed by the property owner within seven days of the discontinuance of the use, establishment, produce, or service.

410.21. Non-conforming signs. A non-conforming sign may not be changed to another non-conforming sign. A non-conforming sign may not be removed for a period in excess of 30 days and thereafter be reestablished. Any premises determined to be non-conforming as regards the maximum number of signs permitted to be displayed, may erect no additional signs requiring a permit under subsection 410.25 unless it first reduces the existing total number of signs on the premises by an amount equal to the number of new signs proposed for erection. (Ed. note: All non-conforming signs were to have been made conforming by December 31, 1983 or the subject of a variance after that date.)

410.22. Expansion of non-conforming signs - special permit. (Added, Ord. No. 90-18, Sec. 1) Subdivision 1. Permit. Notwithstanding the provisions of subsections 410.15 and 410.21, the city council may issue a special permit to permit the expansion of a non-conforming sign if it finds the following requirements have been satisfied: (Amended, Ord. No. 07-07)

- (a) The sign for which the special permit is requested is non-conforming by reason of subsection 410.15. (Amended, Ord. No. 07-07)
- (b) At the time the sign was made non-conforming it was located upon property which was then zoned community business district B-4. (Amended, Ord. No. 07-07)
- (c) The proposed expansion involves only the addition of one additional sign face to the back of the existing sign. (Amended, Ord. No. 07-07)
- (d) The additional sign structure shall be no larger in any dimension than the existing sign structure, and shall not extend beyond the rectangular sign face of either sign. (Amended, Ord. No. 07-07)
- (e) The additional sign shall be located parallel to the existing sign and each sign shall substantially shield the back of the other from public view.
- (f) The additional sign will not be detrimental to the public health, safety or welfare, nor will it detract from the general aesthetic appearance of the area.

Subd. 2. Permit fee. Fees are set by Appendix B.

Subd. 3. Conditions. The city council may place conditions upon the permit which it deems to be appropriate under the circumstances.

Subd. 4. Effect of special permit on non-conformity. The special permit is intended only to permit the expansion of a non-conforming advertising sign. Following issuance of the special permit, the existing sign and its expansion will be deemed non-conforming.

Subd. 5. Other permits and licenses. The special permit is in addition to all other permits, licenses and approvals required under this code for the erection of advertising signs.

410.23. Building addresses. Structures fronting upon a public or private right-of-way must at all times conspicuously display the address number of the subject premises. If the structure also abuts an alley, building numbers must also be attached in a conspicuous location to the alley side of the structure. If a garage or similar accessory building obstructs the view of the main structure from the alley, the building numbers for the structure must be placed in a conspicuous location on the garage or accessory building. Address numbers are issued by the enforcement officer or upon the request of the owner of the subject premises. No address number may be changed except upon the order or approval of the enforcement officer. Upon notification of a change in address number for a structure, the owner thereof must immediately replace the posted address number with the correct new number. The enforcement officer must maintain a permanent, public record of all issued address numbers. Erection of address numbers must comply with subsection 410.11, subdivision 8. Address numbers must measure a minimum of four inches in height and may not exceed one foot in height. When address numbers are proposed to exceed one foot in height, the address numbers are considered as an exterior sign subject to applicable regulations of this section. For address numbers measuring less than one foot in height no sign permit is required.

410.25. Sign permits. Subdivision 1. Exterior signs proposed to be erected within the city require a permit. The following signs are exempt from this requirement:

- (a) Safety, warning, and hazard signs.
- (b) Identification signs.
- (c) Holiday and business hours signs.
- (d) Real estate sales and rental signs.
- (e) Political campaign signs.
- (f) Construction and occupancy signs.
- (g) Informational and directional signs.
- (h) Integral signs.
- (i) Garage sale signs.
- (j) Civic or charitable event signs.
- (k) Address numbers measuring less than one foot in height.
- (l) Off-site directional sign for religious institutions. (Added, Ord. No. 02-11)

Portable signs, pennants, and banners require a temporary permit as provided in subsection 410.11, subdivision 12. (Amended, Ord. No. 90-18, Sec. 3)

Subd. 2. Application. Application for a regular sign permit, special sign permit, or temporary sign permit is made to the enforcement officer upon an approved application form, accompanied by required supporting information and fees. (Amended, Ord. No. 90-18, Sec. 3)

Subd. 3. Fees. Fees are set by Appendix B.

410.27. Sign hanger license. Subdivision 1. License required. A person engaged in the business or occupation of sign hanging or repair may not install, reconstruct, alter, repair, or remove an exterior sign requiring a permit without first having obtained a license.

Subd. 2. License application. Application for a sign hanger's license is filed with the city clerk upon an approved application form, accompanied by required supporting information and fees.

Subd. 3. License validity. Sign hanger licenses expire annually on December 31. Licenses will not be issued to a minor. Licenses are not transferable.

Subd. 4. License fee. The annual fee for a sign hanger's license is fixed by Appendix B. A license application will not be accepted nor a license issued unless the fee is paid. The license fee may not be prorated.

Subd. 5. Insurance required. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

410.29. Variances, amendments, appeals. Variances from the literal provisions of this section and appeals from administrative decisions made under this section are made pursuant to the provisions of section 535 of the zoning code (Appendix A to this code) except that amendments are approved by a majority vote of the city council.

Section 415 - Parking Ramps

415.01. Parking ramps. Subdivision 1. Definitions. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Director" means the director of public works/engineer.

Subd. 3. "Parking ramp" means a building or structure, or part thereof, in which a structural level other than a slab on grade is used for parking, storage, or maintenance of motor vehicles.

Subd. 4. "Qualified civil or structural engineer" or "engineer" means a person registered by the state of Minnesota as a professional engineer whose field of practice is civil or structural engineering.

415.03. Certificates required. No person may own or operate a parking ramp in the city without having first applied for and obtained a parking ramp operating certificate.

415.05. Certificates. Subdivision 1. Issuance. A person desiring a certificate must make application therefor to the clerk on a form provided for that purpose. The application must be reviewed by the director and will be approved by the director if the application complies with the provisions of this section. Upon receipt of an approved application and the fee fixed by council resolution the clerk must transmit the application to the council. If the council grants the certificate the clerk will issue to the applicant a certificate.

Subd. 2. Form. The application must contain (i) the name, business address and telephone number of the owner of the parking ramp; (ii) the address of the parking ramp; (iii) the number of parking spaces; (iv) the year in which the ramp was constructed; and (v) other information that the director requires. The application must also state the name, address and telephone number of the person that operates the parking ramp, if other than that of the owner.

Subd. 3. Expiration. Unless revoked sooner, a parking ramp certificate expires on June 30th next after the issuance. An applicant wishing to renew the operating certificate must, at least 30 days before the expiration date, file an application for renewal on forms provided and must submit proof of inspection services performed by a qualified structural engineer. (Amended, Ord. No. 02-05)

415.07. Annual inspection. Subdivision 1. Required. A parking ramp operating certificate will not be issued or renewed unless the owner or operator has caused the parking ramp to be inspected annually by an engineer.

Subd. 2. Nature. The inspection must consist of an annual on-site inspection. Prior to the initial issuance and, unless otherwise determined by the city's engineer, once every three years thereafter the inspection must also consist of a sufficient number of destructive or equivalent tests and non-destructive tests to properly determine the structural condition of the parking ramp. Tests must include, but are not limited to, chain-dragging or coring or chloride testing or equivalent tests. (Amended, Ord. No. 05-06)

415.09. Affidavit of engineer's report. Not later than June 1st of each year the owner or operator of a parking ramp must file with the clerk an affidavit stating that the parking ramp has been inspected in accordance with this section by an engineer. The owner or operator shall file with the affidavit a copy of the engineer's report. The report must contain the engineer's findings including percentage of design capacity remaining, any structural repairs required and the immediacy of the repairs. The report must indicate whether the structure is capable of supporting the loads for which it is used. The report must contain a statement by the engineer that the engineer's field of practice is structural engineering and that the engineer carries the insurance coverage required by this section. (Amended, Ord. No. 02-05)

415.11. Insurance required for engineer. A qualified civil or structural engineer conducting inspection under this section must maintain professional liability insurance with an insurance company authorized to do business in Minnesota in the sum of \$1,000,000. Proof of insurance coverage must be filed with the director in the form of a certificate of insurance. The certificate must be submitted annually with the engineer's report.

415.13. Operation: insurance required. An operating certificate will not be granted unless the owner carries liability insurance with an insurance company authorized to do business in Minnesota. The liability insurance may not contain an "XC" (explosion, collapse) exclusion. The liability insurance must include the following minimum coverages: garage liability insurance on premises and operations in the sum of \$1,500,000; garagekeepers legal liability insurance in the sum of \$100,000. The city must be named as an additional insured in the policy. A certificate of insurance evidencing the above minimum coverages must be filed with the clerk at the time of making application for certification or renewal of the annual operating certificate. Cancellation of a required insurance policy is not valid except upon 30 days prior written notice to the clerk and the operator must be supplied with a copy of this subsection at the time of application or renewal of the certificate.

415.15. Certificate posted. The owner or operator of a parking ramp must post the operating certificate in a conspicuous location in the office of main collection booth of the parking ramp. If the notice is not posted, the director may require that motor vehicles be removed from the parking ramp and that no further parking of motor vehicles be allowed until operating certificate has been obtained and posted.

415.17. Penalty for failure to obtain or renew operating certificate. It is unlawful to operate a parking ramp without having a valid operating certificate. The owner or operator must, when subsequently securing the certificate, pay double the certificate fee.

415.19. Revocation; non-renewal; penalties. An operating certificate will not be issued or renewed unless the owner or operator of the parking ramp has obtained the annual inspections and filed the annual affidavits and reports required by this section. The certificate may be revoked by the council after a hearing upon a finding that the parking ramp constitutes a hazard to the public health and safety.

Section 420 - Housing and Redevelopment

420.01. Purpose. The purpose of this section is to provide for the appointments of members to the board of commissioners of the housing and redevelopment authority (HRA). The procedures set forth are designed to promote maximum coordination and cooperation between that body and the city council.

420.03. Composition. The board of commissioners of the HRA consists of five members. A member is either a public member or a private member and is appointed as provided in this section.

420.05. Terms and conditions. Subdivision 1. Public member. A public member is a member of the city council at the time of the appointment. No more than two members may be public members. The term of office is for the remainder of the appointee's current term as a member of the city council, or for the unexpired term of the resigning HRA member, whichever term is shorter. Appointment is made by the mayor with the advice and consent of the council.

Subd. 2. Private member. A member of the city council may not be a private member. Private members are appointed at large according to the terms and conditions set forth in Minnesota Statutes, chapter 469.

Subd. 3. Time of appointment. Appointments of members may not be made in the months of November and December in a year in which there is a general election of city officials.

420.07. Policy plans. The law requires the HRA to obtain the approval of the city council on redevelopment plans and projects. Policy plans are of necessity a part if not a prerequisite of redevelopment plans and projects. Therefore, the HRA must present to the city council for council approval policy plans and no redevelopment plan or project may be initiated or implemented without the initial and continuous approval by the city council of policy plans. HRA rules, regulations, and by-laws must conform to the policy plans.

Section 425 - Housing Maintenance Code

425.01. Legislative finding. It is found that there exist in the City, structures used for human habitation which are now, or may become in the future, substandard with respect to structure, equipment, or maintenance, and further that such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions, and overcrowding, constitute a menace to public health, safety, and welfare. It is found therefore that adequate protection of public health, safety, and welfare requires the establishment and enforcement of minimum housing maintenance standards. (Amended, Ord. No. 10-13)

425.03. Title. This section may be known, cited, and referred to as "the Robbinsdale Housing Maintenance Code" or "the HMC." (Amended, Ord. No. 03-06; Ord. No. 10-13)

425.05. Purpose. The purpose of the HMC is to protect, preserve, and promote the public health, safety, and general welfare of the people of the City; to prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying dwellings within the City; to provide minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire, for the use and location and amount of space for human occupancy and for an adequate level of maintenance; to preserve the value of land and buildings throughout the City; and to provide for the administration and enforcement thereof. (Amended, Ord. No. 03-06)

425.07. Discrimination and privacy. The HMC is to be enforced exclusively for the purpose of promoting public, as opposed to private, welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, the HMC is not intended to interfere with personal privacy or with private legal rights and liabilities, including without limitation landlord/tenant and lessor/lessee relationships. In enacting and enforcing the HMC, 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 non-conformity of any premises in the City to the provisions of the HMC. (Amended, Ord. No. 03-06; Ord. No. 10-13)

425.09. Applicability. A building and its premises used in whole or in part as a residence or as an accessory structure thereof, for a single family or person, and every building used in whole or in part as a residence for two or more persons or families living in separate units, except rest homes, convalescent homes, nursing homes, boarding houses, hotels, and motels, must conform to the requirements of the HMC, irrespective of when such building may have been or may be constructed, altered, or repaired. Every rental dwelling and its premises shall be inspected on a regular basis as a requirement for licensing. Enforcement action, under the HMC, against owner occupied dwellings is limited to violations of subsections 425.13 and 425.15. This limit does not apply to rental dwellings, rented portions of dwellings or their common areas, including utility areas. These rental dwellings, portions of dwellings and common areas, including utility areas, shall comply with chapter 425 in its entirety and shall be licensed and inspected for compliance with the HMC. Condominium and cooperative housing public areas shall be subject to inspection and licensing if one or more dwellings in such a building is a rental dwelling. The HMC establishes minimum standards for erected dwelling units, accessory structures, and related premises. (Amended, Ord. No. 03-06)

425.11. Definitions. Subdivision 1. For purposes of the HMC, the terms defined in this subsection have the meanings given them. (Amended, Ord. No. 03-06)

Subd. 2. Accessory building or use means a subordinate building or subordinate use which is located on the same premises on which the main building or use is situated and which is incidental to the conduct of the primary use of such building or main use.

Subd. 3. Basement means that level of a building where the vertical distance from average grade to the floor below is more than the vertical distance from average grade to the floor next above.

Subd. 4. Boarding house means a building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.

Subd. 5. Building means a structure erected for the support, shelter, or enclosure of persons, animals, chattel, or movable property of any kind.

Subd. 6. Common areas means halls, corridors, passageways, utility rooms, recreational rooms and extensively landscaped areas in or adjacent to a multiple dwelling, not under the exclusive control of one person or family. (Amended, Ord. No. 10-13)

Subd. 7. Condominium means a form of individual ownership within a multifamily building which entails joint responsibility for maintenance and repairs; in the condominium each apartment or townhouse is owned outright by its occupant.

Subd. 8. Cooperative housing means a multiple family dwelling owned and maintained by the residents: the entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 9. Criminal activity means prostitution, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful possession and/or discharge of firearms, or any other activity on or near the premises that jeopardizes the health, safety and welfare of the owner, the owner's agent, other resident, neighbor or other third party, or involving imminent or actual serious property damage. (Added, Ord. No. 10-13)

Subd. 10. Crime free/drug free housing lease addendum means the addendum to written leases required by section 425.31, subdivision 5, and shall also include the written tenant acknowledgement required under section 425.31, subdivision 5 in situations where there is no written lease. (Added, Ord. No. 10-13)

Subd. 11. Dwelling means a building, or portion thereof, designed or used for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings. Whenever the word "dwelling" is used in the HMC, it shall be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06)

Subd. 12. Dwelling, single-family means a dwelling designed exclusively for occupancy by one family. (Amended, Ord. No. 03-06)

Subd. 13. Dwelling, two-family means a dwelling designed exclusively for occupancy by two families living independently of each other.

Subd. 14. Dwelling, multiple family means a dwelling or portion thereof containing three or more dwelling units.

Subd. 15. Dwelling units means a room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities. Whenever the term "dwelling unit" is used in the HMC, it is to be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06)

Subd. 16. Enforcement officer means a person designated by the City Manager to administer and enforce the HMC. (Amended, Ord. No. 03-06)

Subd. 17. Excessive calls means four substantiated repeat nuisance service calls occurring within any 12 month period. (Added, Ord. No. 10-13)

Subd. 18. Exit means a continuous and unobstructed means of egress to the outdoors and includes intervening doors, doorways, corridors, ramps, stairways, smokeproof enclosures, horizontal exists, exit passageways, exit courts and yards.

Subd. 19. Family means one or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related maintaining a common household in a dwelling unit and using common cooking and kitchen facilities.

Subd. 20. Floor area, gross means 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 off-street parking or either of them are not included.

Subd. 21. Flush water closet means a toilet bowl flushed with water under pressure with a water sealed trap above the floor level.

Subd. 22. Garbage means putrescible animal and/or vegetable wastes, including those resulting from the handling, preparation, cooking, and consumption of food. (Amended, Ord. No. 10-13)

Subd. 23. Group homes means any group quarter or other residential facility that is licensed by any governmental agency or as determined by the City of Robbinsdale. (Amended, Ord. No. 03-06).

Subd. 24. Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, but excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, utility rooms, foyers, corridors, stairways, closets, storage spaces, workshops, hobby and recreation areas, and basements lacking required ventilation, required electrical outlets, or required exit facilities.

Subd. 25. Hotel or motel means a building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week: the term includes any facility licensed as a hotel or motel by Hennepin County.

Subd. 26. Kitchen means a space used or intended to be used for food preparation, which contains a sink, adequate space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.

Subd. 27. Nuisance means:

- (a) A public nuisance known as such under common law or in equity or recognized by Minnesota Statutes or the City code.
- (b) A public nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators in a hazardous condition; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, fences or debris which may become a hazard for inquisitive minors.
- (c) Overcrowding a room or dwelling with occupants. (Amended, Ord. No. 03-06)
- (d) Insufficient ventilation or illumination.
- (e) Inadequate or unsanitary sewage or plumbing facilities.
- (f) Uncleanliness.
- (g) Any situation or activity which renders air, food, or drink unwholesome or detrimental to the health of human beings.
- (h) Any other activity or situation that is dangerous to human life or is detrimental to health.
- (i) Overcrowding a room or portion of dwelling with long-term storage so as to prevent upkeep, maintenance or regular housekeeping. A room may be considered overcrowded when storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides potential pest harborage. (Added, Ord. No. 03-06)

Subd. 28. Occupant means a person (including owner or operator) living, sleeping, cooking, or eating in a dwelling unit.

Subd. 29 . Openable area means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Subd. 30. Operator means the owner or owner's agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let or offered for occupancy.

Subd. 31. Owner or owner of record means the fee owner of the dwelling, dwelling unit or rooming unit, and includes vendees under a recorded contract for deed. For purposes of this section the term includes any agent of owner designated in writing by owner for such purposes. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 32. Owner-occupied dwelling means a dwelling unit occupied by the property owner, including for purposes of the HMC, a single-family dwelling or the discrete portion of any two-family or multi-family dwelling where the owner resides in one dwelling unit. (Amended, Ord. No. 03-06)

Subd. 33. Paint blistered means a surface area where paint is cracked, flaked, chipped, or loose.

Subd. 34. Plumbing means 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, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, or gas lines.

Subd. 35. Premises means platted lot(s) or unplatted parcel(s) of land, or any portion thereof, either occupied or unoccupied by any dwelling or nondwelling structure, including such building, accessory structure, or other structure thereon.

Subd. 36. Proper connection to an approved sewer system means a functioning sewer connection free from defects, leaks, illegal modifications or obstructions with sufficient capacity to drain all fixtures or appliances which feed into it. The sewer system (be it municipal or private) must be capable of disposing of sewage in a safe, legal, sanitary, and adequate manner. (Amended, Ord. No. 03-06)

Subd. 37. Proper connection to an approved water system means a functioning plumbing connection free from defects, leaks, or obstructions providing an uncontaminated, controlled flow of water.

Subd. 38. Public areas means those areas which are normally open to the general public or the occupants of more than one dwelling unit of a multiple family dwelling.

Subd. 39. Public hall means a corridor, or passageway for providing egress from a dwelling unit to the outdoors and not within the exclusive control of one family.

Subd. 40. Refuse means putrescible and nonputrescible waste solids including garbage and rubbish.

Subd. 41. Rental dwelling or rental dwelling unit means any dwelling unit not occupied by the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 42. Repeat nuisance service calls shall have the meaning given in section 927 of the code to the extent the call involves police services. (Added, Ord. No. 10-13)

Subd. 43. Responsible tenant means, for the purposes of excessive calls and crime free/drug free lease addendum violations, any tenant of a rental dwelling occupied by individuals, whether or not tenants, who are engaged in the conduct described in the notice given pursuant to section 425.23. (Added, Ord. No. 10-13)

Subd. 44. Retaining wall means 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.

Subd. 45. Rodent harborage means a place where rodents are liable to live, nest, or seek shelter.

Subd. 46. Rodent-proof means a condition where a structure and all parts thereof are protected from rodent, insect and vermin infestation by eliminating ingress and egress openings such as cracks in walls and holes in screens. For the purpose of the HMC the term "rodent-proof" shall be construed as though it included "insectproof" and "vermin-proof." (Amended, Ord. No. 03-06)

Subd. 47. Rooming unit means a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

Subd. 48. Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials.

Subd. 49. Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof next above such floor. A basement shall not be counted as a story.

Subd. 50. Structure means anything erected, the use on which requires more or less permanent location of the ground; or attached to something having a permanent location on the ground. Whenever the word "structure" is used in the HMC, it shall be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 51. Tenant means any individual named as such in any lease, or in non-lease situations, any individual obligated to owner for the payment of rent. If there is no lease, and no rent is payable, the term means all occupants of the rental dwelling. (Added, Ord. No. 10-13)

Subd. 52. Townhome means a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides. (Added, Ord. No. 08-08)

Subd. 53. Use means the purpose or activity for which the land or building is designated, or intended, or for which it is occupied, utilized, or maintained, including the performance of such activity as defined by the performance standards of this chapter.

Subd. 54. Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Subd. 55. Waste system means that part of the plumbing system which drains waste water from individual fixtures to the sewer system.

Subd. 56. Yard means all ground, lawn, court, walk, driveway, or other open space constituting part of the same premises.

425.13. Responsibilities of owners and occupants. Subdivision 1. Responsibilities of owners. The owner of a dwelling is responsible for the maintenance of that structure and for meeting the provision of the HMC. (Amended, Ord. No. 03-06)

(a) No transfer of responsibility. A contract between owner and operator, or owner and occupant, with regard to compliance with the HMC, does not relieve the owner, operator or occupant of any duty imposed by the HMC. (Added, Ord. No. 03-06)

Subd. 2. Responsibilities of occupants and owners.

- (a) An owner, agent or occupant of a dwelling unit may not allow the accumulation of dirt or filth on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public.
- (b) An owner, agent or occupant of a dwelling unit may not allow the accumulation of rubbish or garbage on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public.
- (c) Rodent harborages in occupied areas. An owner, occupant or agent may not allow formation of rodent harborages in or about the premises occupied or controlled. (Amended, Ord. No. 10-13)
- (d) The occupant of a dwelling containing a single dwelling unit is responsible for the extermination of rodents, insects or vermin on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit is responsible for such extermination whenever the dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonable rodent-proof condition, extermination is the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof is the responsibility of the owner.
- (e) An owner, agent or occupant of any dwelling unit may not allow the formation or presence of any nuisance in or about the premises.

425.15. Minimum standards. Subdivision 1. Exterior standards. The foundation, exterior walls, and exterior roof shall be water tight, rodent-proof, and kept in sound condition and repair. Every window, exterior door, and hatchway shall be substantially tight and kept in sound condition and repair. The foundation must adequately support the building at all points. Exterior walls shall be maintained and kept free from decay, dilapidation by cracks, tears or breaks and 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 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 also be deemed to be out of repair if: (Amended, Ord. No. 03-06)

- (a) The protective surface is paint which is blistered to an extent of more than 25% of the area of any plane or wall or other area including window trim, cornice members, porch railings and other such areas.
- (b) More than 10% of the pointing of any chimney or 25% of the pointing of any brick or stone wall is loose or has fallen out.
- (c) More than 25% of the finish coat of a stucco wall is worn through or chipped away or broken or damaged stucco revealing metal lath must be repaired; or (Amended, Ord. No. 03-06)
- (d) Any boarding of openings does not comply with the requirements of 425.33, subdivision 6(e). (Added, Ord. No. 03-06)

An exterior surface or plane required to be repaired under the provisions of this section 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 25% blistered, it must be repainted unless the defective paint covering is removed in its entirety.

Subd. 2. Accessory structure maintenance. Accessory structures supplied by the owner, agent, or tenant on the premises of a dwelling must be structurally sound, securable and maintained in good repair. Exterior walls of accessory structures must be maintained in accordance with the standards set forth for principal structures in subdivision 1. (Amended, Ord. No. 03-06; Ord. No. 07-18)

Subd. 3. Fence maintenance. Fences must be maintained in good condition structurally, and be kept free of significant decay. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. If 25% more of the painted surface of a fence is determined by the enforcement officer to be paint blistered, the surface must be properly scraped and repainted. (Amended, Ord. No. 07-18)

Subd. 4. Retaining walls. Retaining walls must be kept in good condition, repair, and appearance. A retaining wall is deemed out of repair when it has substantially shifted or slumped out of its intended position.

Subd. 5. Yard cover. 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, must be landscaped with grass, shrubs, trees, or other ornamented landscape material. Such landscaping shall be maintained in good condition and free of noxious weeds. Weeds, including tall grass, may not exceed eight inches in height. The enforcement policy for this subdivision, and at section 820.15, shall be set and amended from time to time by resolution of the City Council. (Amended, Ord. No. 91-05, Sec. 1)

Subd. 6. Gutters and downspouts. Existing gutters, leaders and downspouts must be maintained in good working condition as to provide proper drainage of storm water. In no case may storm water be channeled into the sanitary sewer system. Storm water, ice, or snow may not be directed onto, or channeled across walkways or streets where it is likely to be a hazard to life or health.

Subd. 7. Exterior lighting. For multiple family dwellings, all exterior parking areas and walkways must be provided with an average, maintained, horizontal illumination of six-tenths (0.6) foot-candles. Parking lot illumination must not cause excess amounts of light to be cast on a public street or adjoining property. (See Zoning Code, subsection 510.25, subdivision 5.)

Subd. 8. Snow and ice removal. Snow must be removed from abutting public sidewalks within 12 hours after cessation of snowfall.

Subd. 9. Walks, drives, lawn steps and stoops. Walks, drives, lawn steps and stoops must be maintained in good repair. (Added, Ord. No. 03-06)

425.17. Minimum standards for basic services and utilities. Subdivision 1. Minimum plumbing standards. Plumbing in dwelling units and shared or public areas must be properly installed and maintained in a sanitary, safe, and functioning condition, and must be connected to an approved utility system.

- (a) A fixture, facility, or piece of equipment requiring a sewer connection must have a functioning and vented connection, be free from cracks, defects, leaks, or obstructions, and shall possess sufficient capacity to drain all other fixtures, facilities, or pieces of equipment which feed into it. The sewer system, whether municipal or private, must be capable of conveying and disposing of the sewage in a legal, safe, sanitary, and adequate manner. (Amended, Ord. No. 03-06)
- (b) A fixture, facility, or piece of equipment requiring a water connection shall have a functioning connection, free from defects, leaks, or obstructions. Each water connection must possess sufficient capacity to adequately supply all fixtures, facilities, or pieces of equipment to which connected with an uncontaminated, controllable flow of water.
- (c) Fixtures that cannot be made clean or sanitary due to cracks, delamination, or deterioration shall be repaired or replaced. (Added, Ord. No. 07-18)

Subd. 2. Minimum heating standards.

- (a) Equipment provided. All dwelling units must have a furnace or other heating facilities which are properly installed, and which are maintained in safe and good working condition, and which are capable of safely and adequately providing heating to all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of 70 degrees Fahrenheit at a distance of three feet above floor level and three feet from exterior walls at an outside temperature of minus 20 degrees Fahrenheit. Heating facilities shall be turned on and maintained in an operable condition from October 1st to May 1st. Gas or electric appliances designed primarily for cooking or water heating purposes and portable heating units shall not be considered as heating facilities within the meaning of this section. Portable heating equipment employing a flame that is not vented in an approved manner is prohibited. Heating facilities over 20 years of age, or those of an age that cannot be determined by permit record or by manufacturers label, must be posted with a dated indication of a service or maintenance check by a licensed mechanical or heating contractor during the previous three years. Heating facilities that have not been so serviced and posted may be required to undergo such service within a specified period of time. (Amended, Ord. No. 03-06)
- (b) Minimum temperature standards for rental properties.
- (1) For all senior housing (defined in section 505.09, subdivision 40), it is the responsibility of the owner that a minimum temperature of 70 degrees Fahrenheit (measured as described in this subsection) be maintained year round. (Amended, Ord. No. 08-01)
 - (2) In all other units whenever the occupant lacks direct control over the supplied heat to a dwelling unit or rooming unit, it is the responsibility of the owner that a minimum temperature of 68 degrees Fahrenheit be maintained at all times between October 1st to May 1st. (Amended, Ord. No. 99-07)

Subd. 3. Water heating facilities. A dwelling unit 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 115 degrees Fahrenheit, 46 degrees Celsius, at any time needed.

Subd. 4. Minimum electrical standards. A dwelling unit and all public and common areas must be supplied with electric service, functioning overcurrent protection devices, electric outlets, and electric fixtures which are properly installed, which must be maintained in good and safe working condition. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures is as follows:

- (a) Dwellings containing one or two dwelling units must have at least the equivalent of 60 ampere, electric service per dwelling unit.
- (b) Dwelling units must have at least one 15 ampere branch electric circuit for each 600 square feet of dwelling unit floor area.

- (c) Every habitable room must have at least one floor or wall-type electric convenience outlet for each 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 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 must, insofar as possible, be spaced equal distances apart.
- (d) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room must contain at least one supplied ceiling or wall-type electric light fixture and every bathroom and laundry room must contain at least one electric convenience outlet.
- (e) Public halls and stairways in multiple family dwellings must be adequately lighted by natural or electric light so as to provide illumination having an intensity of not less than one foot candle at floor level to all parts thereof. Hallways and stairwells in one and two family rental dwellings shall have electric lighting, which shall be operated by switch. (Amended, Ord. No. 03-06)
- (f) A convenient switch for turning on a light in each dwelling unit must be located near the principal points of entrance to such unit. A patio door entrance may be exempt if it is not a principal entrance.
- (g) Electrical wiring installed at accessory use structures, which are accessible to the occupants of rental dwellings, shall be properly installed in accordance with the applicable code in effect at the time of construction of that structure, and shall be maintained in good and safe working condition. (Added, Ord. No. 03-06)

Subd. 5. Minimum natural light and ventilation. Every habitable room shall have window area of no less than 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 be 4% of the floor area of the room, and in no case less than four 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 20% of the air supply taken from the outside. Every non-habitable room (bathroom, water closet compartment, laundry room, and utility room) shall have at least 50% of the openable window requirement otherwise appropriate for the floor area, except that no windows shall be required if such rooms are equipped with a functioning exhaust fan connected directly to the outside, capable of providing five 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 25 square feet whichever is greater. Windows are not required in kitchens of dwelling units when such kitchen has an opening of at least 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 must be of sufficient size so as to provide for the light and ventilation requirements of the kitchen area as well as for the adjoining habitable room. (Amended, Ord. No. 03-06)

Subd. 6. Discontinuance of basic services or utilities. An owner, operator, or occupant may not permit any service or utility which is required under the HMC to be shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. (Amended, Ord. No. 03-06)

425.19. Minimum structural standards. Subdivision 1. Floors, interior walls, and ceilings. Floors, interior walls, and ceilings must be adequately protected against the passage and harborage of vermin, rodents and insects. Floors must be free of loose, warped, protruding or rotted flooring materials and all floor covering shall be maintained in good condition. Interior walls and ceilings must be free of holes and large cracks, loose plaster, and blistered paint, and shall be maintained in good condition. Toxic paint and materials may not be used where readily accessible to children. Every toilet room, bathroom and kitchen floor surface must be easily cleanable and maintained in good condition.

Subd. 2. Stairways, porches, decks, stoops and balconies. Stairways, inside or outside of a dwelling and porches and balconies must be kept in safe condition and sound repair. Every flight of stairs and every porch, deck, entry stoop and balcony floor and supports shall be free of deterioration. Every stairwell and every flight of stairs which is more than four risers high shall have at least one handrail approximately 30 to 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 30 inches above grade or floor below, and roofs used for other than service of the building shall be protected by a guardrail; guardrails shall be not less than 36 inches in height. Open guardrails and open stair railings on unenclosed stairways shall have intermediate rails such that a sphere nine inches in diameter cannot pass through. Every handrail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs or entry stoop shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs or deck may have rotting, loose, or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be uniform in width and height. Stairways shall be capable of supporting loads that normal use may cause to be placed thereon. Existing stairways shall not have a rise exceed eight inches or a run of treads less than nine inches. A stairway which does not meet these rise and run requirements will be considered a built-in deficiency under the provisions of subsection 425.33, subdivision 8. Exterior landings for entry stoops and stairs shall have no dimensions less than three feet. (Amended, Ord. No. 03-06)

Subd. 3. Windows, doors, and screens. Windows, exterior doors, and hatchways must be substantially tight and kept in sound condition and repair. Every window, other than a fixed window or storm window, 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 to meet the minimum ventilation requirements of subsection 425.17, subdivision 4 must be supplied with 16 mesh screens. All doors, thresholds, door and window frames shall be free of blistered paint, missing putty and shall be maintained in good condition. All door and window hardware and locks shall be functional and be maintained in good condition. Operable windows shall be supplied with mechanical sash locks manufactured for that use. No door at the top of a stairway may swing open over the stairs. (Amended, Ord. No. 03-06)

Subd. 4. Safe building elements. Every roof, floor, every porch, deck and balcony, and every appurtenance thereto, must be safe to use and capable of supporting loads that normal use may cause to be placed thereon. (Amended, Ord. No. 03-06)

Subd. 5. Access to dwellings. Access to and egress from each dwelling shall be provided by at least one doorway that is a minimum of 36 inches wide and 80 inches high.

Subd. 6. Minimum ceiling height. The ceiling height of any habitable room shall be at least seven feet; except that in any habitable room under a sloping ceiling at least one-half of the floor area shall have a ceiling height of at least seven feet, and the floor area of that part of such a room where the ceiling height is less than five feet shall not be considered as part of the room for the purpose of determining the maximum permissible occupancy.

Subd. 7. 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 the HMC are met. (Amended, Ord. No. 03-06)

Subd. 8. Sleeping rooms. A sleeping room must have at least one window or exterior door approved for emergency exit or rescue. Where windows are provided they must have a sill height not more than 48 inches above the floor. A window with a total glazed area of not less than five square feet with a minimum clear opening dimension not less than 20 inches is deemed to meet the requirements of this subsection provided sill heights are not over 48 inches above the floor. New window installations or replacements shall be in compliance with the State Building Code.

425.21. Minimum interior standards. Subdivision 1. Kitchen facilities. A kitchen in a dwelling unit must include the following:

- (a) A kitchen sink in good working condition and properly connected to an approved water supply system. It shall provide at all times an adequate amount of heated and unheated running water under pressure, and be connected to an approved sewer system.
- (b) Cabinets and shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping; and counters or tables for food preparation. Said cabinets and shelves and counters or tables shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food. They shall be maintained in good condition. (Amended, Ord. No. 03-06)
- (c) A stove and a refrigerator which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

Subd. 2. Toilet facilities. Within every dwelling unit there must be a nonhabitable room with an entrance door which affords privacy to a person within said room and which room is equipped with a flush water closet in good working condition, and solidly mounted. The flush water closet shall be equipped with easily cleanable surfaces, shall 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 be connected to an approved sewer system. (Amended, Ord. No. 03-06)

Subd. 3. Lavatory sink. Within every dwelling unit there must be a lavatory sink. The lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink and any cabinet or device supporting it must be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system. (Amended, Ord. No. 03-06)

Subd. 4. Bathtub or shower. Within every dwelling unit there must be a room which affords privacy to a person within the room and which is equipped with a bathtub or shower in good working condition. Walls, windows and partitions adjacent to the tub or shower and their finishes must be kept watertight, free from damage and maintained in readily cleanable condition. The bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system. (Amended, Ord. No. 03-06)

Subd. 5. Door locks. A door that is designed to provide ingress or egress for any rental dwelling unit must be equipped with a lock that has a deadlocking bolt that cannot be retracted by end pressure and provided, however, that such be openable from the inside without the use of a key or any special knowledge or effort except in existing single-family homes, town houses, and first floor duplexes. Sliding entry doors must be provided with a mechanical locking device, hook and eye lock, wood or metal bar or an approved equivalent locking system. Doors providing access to a dwelling unit from an attached garage may be exempt from the dead bolt requirement if all garage doors and windows are provided with acceptable locking devices. (Amended, Ord. No. 03-06; Ord. No. 07-18)

Subd. 6. Removal of basic equipment or facilities. An owner, operator, or occupant may not cause any facility or equipment which is required under the HMC to be removed from or shut off from any occupied dwelling or dwelling unit let or occupied by them, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. (Amended, Ord. No. 03-06)

Subd. 7. Appliance installation. The owner is responsible for the proper installation of gas fired and electrical appliances such as cook stoves and clothes dryers. The owner is responsible for proper venting of gas fired appliances and clothes dryers. Flexible dryer exhaust venting materials may be installed up to a maximum of eight lineal feet with no penetration through walls or floors and may not be covered up by finish materials. (Added, Ord. No. 03-06)

425.23. Minimum standards for rodent control. Subdivision 1. General rule. Every dwelling and accessory structure must be maintained in a rodent-proof condition.

Subd. 2. Openings in the exterior walls, foundations, basements, ground or first floors, and roofs must be rodent-proofed in a manner approved by the enforcement officer.

Subd. 3. 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 be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents and insects into the structure.

Subd. 4. Sewers, pipes, drains, or conduits and openings around such pipes and conduits must be constructed to prevent the ingress or egress of rodents and insects to or from a building.

Subd. 5. Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed in a manner approved by the enforcement officer.

425.25. Minimum fire protection standards. No person may let to another for occupancy any dwelling or dwelling unit which does not comply with the applicable provisions of the fire prevention code. Rental dwelling units must be provided with a smoke detector on each level of the dwelling unit. A smoke detector must be located within 15 feet of each bedroom. Smoke detectors improperly located or mounted may be required to be relocated or remounted. (Amended, Ord. No. 03-06)

425.27. Occupancy standards. Subdivision 1. One family per dwelling unit. Not more than one family may occupy a dwelling unit.

Subd. 2. Permissible occupancy of a dwelling unit. The maximum permissible occupancy of a rental dwelling unit is determined as follows:

- (a) Minimum space. For the first two occupants, 220 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
- (b) Maximum occupancy. The total number of occupants may not exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.
- (c) Occupancy of sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room floor space: 70 square feet for one person; 90 square feet for two persons; and the required habitable room floor space will be increased at the rate of 50 square feet for each occupant in excess of two. The maximum occupant load of a sleeping room may be increased by one person if all occupants are under the age of two years.

425.29. Energy standards. Subdivision 1. Weatherization requirements. Dwellings which are rented or occupied during all or a portion of the months of November through April must comply with the weatherization requirements of this subsection.

Subd. 2. Install and maintain weather-stripping between exterior operable window sash and frames and between exterior doors and frames. Weather-stripping is not required on storm doors or storm windows. (Amended, Ord. No. 03-06)

Subd. 3. 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.

Subd. 4. Install and maintain storm windows on all single glazed exterior window units enclosing conditioned space. (Amended, Ord. No. 03-06)

Subd. 5. Install and maintain 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 or more. (Amended, Ord. No. 03-06)

Subd. 6. Install positive shut-offs for all fireplaces or fireplace stoves, unless an existing damper provides a positive shut-off.

Subd. 7. 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 shall be insulated to capacity.

Subd. 8. 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 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 be insulated to capacity.

425.31. Inspection and licensing of rental dwellings. Subdivision 1. Rental dwelling license. No person may operate, let, or cause to be let, a rental dwelling without first having obtained a license to do so from the City as hereinafter provided. Upon receipt of a properly executed application for licensing, the enforcement officer shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the HMC, other City ordinances, and the laws of the state. No operating license may be issued or renewed unless the rental dwelling and its premises conform to the ordinances and law. In addition, no license shall be issued or renewed until such time as all real estate taxes and City utility bills for the premises which are due have been paid. Real estate taxes will not be considered to be due and unpaid for purposes of this section while a proper and timely appeal of such taxes is pending and is diligently pursued to completion by the landowner. Each such operating license shall be issued biennially and shall expire at the end of the second year. A license renewal application shall be filed at least 60 days prior to license expiration date. Every rental dwelling will be reinspected after a renewal application. If a structure or dwelling unit is not in compliance, a reinspection may be ordered to verify that conditions and any corrections conform to the provisions of this section or any other applicable ordinance. (Amended, Ord. No. 03-06; Ord. No. 08-10; Ord. No. 10-13)

Subd. 2. Initial/conversion rental housing owner training required. All property owners converting any single unit to rental use must attend a training session within six months of obtaining a rental license. This training shall review rental property regulations and owner obligations including, but not limited to, utility billing which can be assessed to the property and repeat nuisance call fees. Where the owner designates a local manager representative to attend the meeting, written materials will be sent to the owner who must certify that the material has been read and understood. (Added, Ord. No. 10-13)

Subd. 3. Crime free housing training/certification required. The owner of a rental dwelling may not operate, let, or cause to be let, a rental dwelling without first having scheduled the required crime free housing owner/manager training program offered by the City. A shorter training session will be available to those who have completed a comparable program containing all of the components in subdivision 3(b) of this section in another municipality but not Robbinsdale-specific training. Any owner who has completed a comparable program containing all of the components in subdivision 3(b) of this section in another municipality and who has completed the initial/conversion rental housing owner training (subdivision 2 of this section) may be excused from this training. (Added, Ord. No. 10-13)

- (a) Training schedule. The police department shall provide quarterly training session opportunities. (Added, Ord. No. 10-13)

- (b) Training curriculum. The training will be a course, not to exceed four hours, which is approved by the Chief of Police. Components of the program shall include, but not be limited to, the following subject matter: (Added, Ord. No. 10-13)
 - (1) Introduction to crime free multi-housing;
 - (2) Phases I-III of CFMH;
 - (3) Rental applications and housing discrimination;
 - (4) Screening and background checks;
 - (5) Lease and lease addendums;
 - (6) Unlawful detainer and eviction;
 - (7) Manager/owner policies and roles;
 - (8) Data privacy;
 - (9) Narcotics and gangs;
 - (10) Section 8 housing;
 - (11) Rental licensing; and
 - (12) Repeat nuisance service fees.

(Added, Ord. No. 10-13)

- (c) Mandatory training certification. Upon successful completion of training, the police department shall make note of this fact and satisfactory completion of the training shall remain valid until such time a new owner and/or operator becomes responsible for managing the property. (Added, Ord. No. 10-13)

Subd. 4. Failure to complete training. Failure to complete the required initial/conversion rental housing owner training or crime free housing training/certification training within six months shall subject the owner to a service fee (set forth in Appendix B) for each month that training is not completed for a maximum of three months. If after three months (9 months total) the training has not been completed the rental license(s) may be subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13)

Subd. 5. Lease addendum required. All rental housing leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain crime free/drug free language for all new lease agreements beginning January 1, 2011 or upon lease renewal as set forth in paragraph (a) of this subdivision below. In situations where there is no written lease, the owner shall have the tenant execute a written agreement containing all of the regulations contained in paragraph (a) of this subdivision and acknowledging that violation of those regulations will result in termination of the tenancy. (Added, Ord. No. 10-13)

- (a) Crime free/drug free housing lease addendum language. The following text meets the requirement for the lease addendum. Similar or equivalent language may be substituted, subject to review and prior approval by the City Manager.

Crime free/drug free addendum:

- (1) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in criminal activity, including drug-related criminal activity, on or near the premises; (Added, Ord. No. 10-13)
- (2) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in any act intended to facilitate criminal activity, including drug related criminal activity, on or near the premises; (Added, Ord. No. 10-13)
- (3) Tenant or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest; (Added, Ord. No. 10-13)
- (4) Tenant, any members of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise. (Added, Ord. No. 10-13)

Violation of crime free/drug free addendum. Violation of the above provision shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy. (Added, Ord. No. 10-13)

- (b) Review of lease addendums. The owner and/or operator of a rental dwelling shall make available to the police department upon request copies of rental housing lease addendums. The police department shall make the request via U.S. Mail to the owner and/or operator. Said person is deemed to have received the request three days after the request is mailed. Upon receiving the written request from the police department, the owner and/or operator shall provide the requested lease addendums within ten business days of the written request. Failure to provide the required documents within the allotted time shall subject the owner and/or operator to an administrative service fee (set forth in Appendix B). If after one month, the lease addendums are not received, or do not exist, the rental license is subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13)

Subd. 6. License fees. The license fees are due 60 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two years, license fees will be pro-rated monthly. A license fee paid later than ten working days after the prescribed date is subject to an additional administrative service charge set by Appendix B. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension; however, within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling, and submission of the transfer and the name and address of the person or entity succeeding to the ownership or control of such rental dwelling or dwellings on a form supplied by the City, the licensee shall be entitled to a license fee refund, prorated monthly, less a \$50.00 administrative fee. The license fee is set by appendix B. (Amended, Ord. No. 06-02; Ord. No. 07-18; Ord. No. 08-10; Ord. No. 10-13)

Subd. 7. Owner or agent to apply. License application or renewal must be made by the owner of rental units. A new owner must register a building within ten days after acquiring it. The enforcement officer must be notified of any address change or other contact information changes including primary phone number(s), within ten days. Application forms may be acquired from and subsequently filed with the enforcement officer. The applicant must supply: (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 10-13)

- (a) Name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) Name, address, and telephone number of designated resident agent, if any;
- (c) Name, address, and telephone number of vendor, if the dwelling is being sold through a contract for deed;
- (d) Legal address of the dwelling;
- (e) Number of dwelling units within the dwelling;
- (f) At least one emergency telephone number.
- (g) Copy of Mandatory Crime Free Training Certification; and (Added, Ord. No. 10-13)
- (h) Copy of crime-free/drug free lease addendum. (Added, Ord. No. 10-13)

Subd. 8. Resident agent required. An operating license may not be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington or Wright) unless such owner designates in writing to the enforcement officer the name of owner's resident agent (one who does reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington or Wright) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City code and to receive orders or process pursuant to law. The enforcement officer must be notified in writing within ten days of the following changes: resident agent, agent address, and/or agent phone number(s). This requirement may be waived if, in the enforcement officer's determination, the owner not living in one of the above specified counties, is nonetheless sufficiently accessible for the purposes of the HMC. (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 10-13)

Subd. 9. Conformance to laws. An operating license will not be issued or renewed unless the rental dwelling and its premises conform to City ordinances and state law. (Amended, Ord. No. 10-13)

Subd. 10. Inspection condition. An operating license may not be issued or renewed unless the owner of rental units agrees in the application to permit inspections pursuant to subsection 425.33. The owner or agent is required to accompany the enforcement officer at either the inspection or a reinspection of the property at least once during the license period. It is the responsibility of the owner or agent to schedule the required rental inspection with the City of Robbinsdale and to notify the renter of the inspection in a reasonable period of time at least 24 hours prior to all inspections or reinspections. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 11. Posting of license. The licensee of a multiple dwelling must cause to be conspicuously posted in the main entry way or other conspicuous location therein, the current license for the respective multiple dwelling. In the case of one and two family dwellings, a copy of the license shall be given to the renter also. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 12. Provision of information to tenants. The licensee shall provide each new tenant a copy of the City of Robbinsdale's solid waste program information (for those in 1 to 4 unit dwelling units) and a copy of the repeat nuisance call for service fee (City code section 927). (Added, Ord. No. 10-13)

Subd. 13. License not transferable. An operating license is not transferable to another person or to another rental dwelling. Every person holding an operating license must give notice in writing to the enforcement officer within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. (Amended, Ord. No. 10-13)

Subd. 14. License suspension or revocation. An operating license is subject to suspension or revocation, for the entire rental dwelling or for individual rental dwelling units, by the City Council if the licensed owner or duly authorized resident agent fails to permit any rental inspection required under this code, or fails to operate or maintain the licensed rental dwellings and units therein consistent with the provisions of the City code and the laws of the state of Minnesota.

- (a) Suspension or revocation with continued occupancy by current tenants. In the event that an operating license is suspended or revoked by the City Council, other than as further specified in subdivision 14(b) it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council. An accurate, current list of such vacant dwelling units shall be provided to the City and maintained onsite by the owner of the property, suitable for the purposes of identification and inspection under section 425.33 by the enforcement officer until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit has been denied a license, has had its operating license suspended or revoked, it shall be posted with a placard by the City Manager to prevent further occupancy. No person, other than the City Manager, shall remove or tamper with any placard used for posting. The City Manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Amended, Ord. No. 07-18; Ord. No. 10-13)

- (b) Suspension or revocation due to property being unfit for human habitation. In the event that an operating license is suspended or revoked by the City Council due to being unfit for human habitation, it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new or continued occupancies of said rental units until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit is unfit for human habitation, it shall be posted with a placard by the City Manager to prevent further occupancy. No person, other than the City Manager, shall remove or tamper with any placard used for posting. The City Manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Added, Ord. No. 10-13)

Subd. 15. License suspension or revocation for excessive calls. An operating license for individual rental dwelling units is subject to suspension or revocation by the City Council; (i) if there have been four substantiated repeat nuisance service calls (as outlined in City code section 927) involving the same tenancy within a continuous 12 month period, and (ii) the owner does not terminate the tenancies of the responsible tenants as provided in subdivision 2(c) of section 425.32. (Added, Ord. No. 10-13)

425.32. Crime-free housing/excessive call violation notice and procedures. Subdivision 1. Notice. Upon determination by the police department that a licensed rental dwelling was used in violation of the crime free/drug free lease addendum provisions and/or excessive call provisions listed in sections 425.31, subdivision 15, the police department shall cause written notice to be made to the owner of the violation(s). The written notice must: (Added, Ord. No. 10-13)

- (a) Identify the lease addendum violation(s) or the excessive calls that occurred at the property, and the dates of any previous violation(s); (Added, Ord. No. 10-13)
- (b) Inform the owner that owner shall notify the responsible tenant(s) within ten days of the lease addendum violation(s) and/or the repeat nuisance service calls; (Added, Ord. No. 10-13)
- (c) Direct the owner to proceed with the termination of the tenancy of all responsible tenants occupying the units; and (Added, Ord. No. 10-13)
- (d) Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner and/or operator at the last known address. (Added, Ord. No. 10-13)
- (e) Notify the owner of the right to appeal the lease addendum violation and/or the excessive calls as further specified in subdivision 3 below. (Added, Ord. No. 10-13)

Subd. 2. Crime-free housing violation and/or repeat nuisance service call license suspension/revocation – termination of tenancy. (Added, Ord. No. 10-13)

- (a) Upon a violation of the crime free/drug free lease addendum, and/or excessive calls, owners shall terminate tenancy of all responsible tenants occupying the unit in a reasonable amount of time to account for applicable court proceedings and for other considerations not to exceed 60 days. The owner shall not offer any unit within the City for rent to any tenant removed under this paragraph for at least one year after the date of removal. (Added, Ord. No. 10-13)
- (b) Owners shall notify the police in writing of tenant termination proceedings and provide copies of any applicable documents within ten days of receiving initial notice of the violation(s) from the police department. (Added, Ord. No. 10-13)
- (c) Any owner who fails to proceed with an action to terminate the tenancy after police department notification in accordance with a crime free/drug free violation and/or excessive calls shall be assessed an administrative fee (set forth in Appendix B) for each calendar month that the owner fails to proceed. If after three months the responsible tenant has not been evicted, the rental license(s) may be subject to suspension or revocation by City Council. Owner's action to take appropriate measures, including a failed eviction process, may be presented as a defense during the hearing. If the evidence establishes that the owner initiated and pursued the eviction process in good faith, but failed neither the fee nor a rental license sanction shall apply. If the City Manager is satisfied that the owner proceeded in good faith to secure termination of the tenancy, but was unsuccessful for reasons beyond the owners reasonable control, then the owner will not be subject to the penalties contained in this paragraph as to such violation and/or excessive calls. (Added, Ord. No. 10-13)

Additional nuisance service fees as outlined in section 927 (repeat nuisance service calls) may also be assessed to the property, if applicable. Any outstanding fees must be paid prior to the City renewing a rental license for the licensed property. (Added, Ord. No. 10-13)

Subd. 3. Crime-free housing/excessive call violation right to appeal lease addendum violation(s) and/or right to appeal imposed service fees. (Added, Ord. No. 10-13)

- (a) The owner who received notice of the violation or imposed service fee must request a hearing within ten business days of the mailing of the police department notice, excluding the day the notice is mailed. The request for a hearing must be in writing and delivered to the City Clerk. The hearing will occur within 14 days of the date of request. If the owner fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Added, Ord. No. 10-13)
- (b) The hearing will be conducted by the City Manager in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the City Manager will make written Findings of Fact and Conclusions regarding the excessive calls, lease addendum violation(s) and/or imposed service fees. The City Manager will serve the Findings of Fact and Conclusions upon the owner and/or operator by U.S. Mail within five business days of the hearing. Upon a finding that a crime free housing violation and/or excessive calls have occurred, the City Manager shall refer the matter to the City Council for consideration of suspension or revocation of the license. (Added, Ord. No. 10-13)

- (c) If the appeal involves a request by the owner that it be excused from its obligation to proceed with termination of the tenancy, and if the City Manager determines: (i) that it is unlikely that an action to terminate the tenancy would be successful; and (ii) that the expense of such action is not justified given the probable outcome, the owner will be relieved from any further obligation under subdivision 2 as to the violation notice. (Added, Ord. No. 10-13)
- (d) If the appeal involves a request by the owner that it be allowed to seek termination of the tenancies of less than all of the responsible tenants, and the City Manager determines: (i) that the responsible tenant(s) sought to be released from termination were not directly involved in the conduct, (ii) that any non-tenant occupants of the same rental dwelling involved in the conduct are no longer occupying the unit; and (iii) that the objective sought to be served by termination would be achieved by granting owner's request, the owner will be relieved from any obligation to terminate the tenancy of the responsible tenants so released. (Added, Ord. No. 10-13)
- (e) If the owner fails to appear at the scheduled hearing the right to a hearing is waived. (Added, Ord. No. 10-13)

Subd. 4. Crime-free housing recovery of fees. Any unpaid fees resulting from violations of crime free housing requirements in sections 425.31, subdivision 4; 425.31, subdivision 5(b); or 425.32, subdivision 2(c), may be collected by appropriate legal means. (Added, Ord. No. 10-13)

425.33. Inspection and enforcement. Subdivision 1. Administration and enforcement. The enforcement officer administers and enforces the provisions of the HMC and may cause inspections on rental dwelling units on all classes of property within the City on a scheduled basis, whether on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of the code exists, has been or is being committed. (Amended, Ord. No. 03-06)

Subd. 2. Authority. In the absence of a timely appeal under the HMC or any other applicable provision of law, the enforcement officer is the final authority in the determination of a violation under the HMC. (Amended, Ord. No. 03-06)

Subd. 3. Inspection access. The occupant of a dwelling unit or rooming unit must give the owner or operator thereof, or agent or employee, access to any part of such dwelling unit, rooming unit, or its premises, at reasonable times for the purpose of effecting inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this section. If any owner, 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 control of that person for an inspection pursuant to the HMC, the enforcement officer may issue a citation and seek a court order authorizing such inspection. (Amended, Ord. No. 03-06)

Subd. 4. Compliance order. Whenever the enforcement officer determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of the HMC, the officer may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, and/or agent to correct such violations. The compliance order must: (Amended, Ord. No. 03-06)

- (a) Be in writing;
- (b) Describe the location and nature of the violations of the HMC; (Amended, Ord. No. 03-06)
- (c) Establish a time for the correction of such violations;
- (d) Include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to subsection 425.35;
- (e) Be served upon the owner or owner's agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - (1) Served personally, or
 - (2) Deposited in the U.S. Post Office addressed to the owner at owner's last known address with postage prepaid, or
 - (3) Upon failure to effect notice by personal service or by mail, posted at a conspicuous place in or about the dwelling which is affected by the notice.

Subd. 5. Emergency cases. When a violation of the HMC constitutes an imminent peril to life, health, or property, the enforcement officer may specify an immediate and exact time for the correction of the violation. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal. Situations which constitute an imminent peril to life, health, or property include, but are not limited to the following: (Amended, Ord. No. 03-06)

- (a) Heating systems that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.
- (b) Water heaters that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, rusted out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves.
- (c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; expose uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded appliances in a hazardous condition. If overloading is suspected, the enforcement officer may require inspection and certification of all or part of the electrical system by a state licensed electrician.
- (d) Plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines.

- (e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads.
- (f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air.
- (g) Infestation of rodents, insects, and other vermin.
- (h) Lack of operational smoke detectors. (Added, Ord. No. 07-18)

Subd. 6. (Deleted, Ord. No. 07-18)

Subd. 7. Execution of compliance orders by public authority. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the enforcement officer to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.

Subd. 8. Built-in deficiencies. Certain specific deficiencies may be deemed to be beyond reasonable correction by the enforcement officer and therefore waived from meeting the requirements of this section. Deficiencies which will be waived will be those that the enforcement officer finds to have been in conformance with all existing applicable codes at the time that the work was done and that are not causing adverse affects on the health or safety of the occupants of the unit. Other deficiencies which will be waived from meeting the requirements of this section shall be limited to the following:

- (a) Ceiling heights. Any existing habitable room with a ceiling height of between six feet six inches to seven feet shall be considered a built-in deficiency which is beyond reasonable correction.
- (b) Superficial floor area. Any existing habitable room of less than 70 square feet shall be considered a built-in deficiency and beyond reasonable correction.
- (c) Natural light and ventilation. Any existing habitable room with window area less than 8% of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required window area be less than 5% of the floor area, or less than required for sleeping rooms by subsection 425.27.
- (d) Entry doors. Any existing dwelling which does not have at least one doorway that is at least 36 inches wide and at least 80 inches high, providing access to and egress from said dwelling, shall be considered a built-in deficiency, provided there is at minimum, one access/egress doorway is at least 32 inches wide and at least 80 inches high.

- (e) Stairways. An existing stairway that does not meet the standards for maximum rise and minimum run may be considered a built-in deficiency if it is not considered hazardous by the enforcement officer.
- (f) Landings. An existing stair landing that does not meet the minimum required length and width of three feet may be considered a built in deficiency if it is not considered hazardous by the enforcement officer. (Added, Ord. No. 03-06)

Subd. 9. Reinspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the enforcement officer may reinspect the premises to determine whether those corrective actions have been sufficient to bring the violations into compliance. If the premises are in substantial compliance with requirements of this section as of the time of the inspection or reinspection, the enforcement officer may issue the license in accordance with the requirements of section 425.31. (Amended, Ord. No. 03-06)

Subd. 10. Reinspection-non-compliance. If after the period allowed for compliance has elapsed, the enforcement officer determines on the basis of a reinspection that the violation has not been corrected, the enforcement officer may issue a citation or may file a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the section(s) violated. The City may also take action to correct violations under the provisions of subdivision 7. Fees for reinspection may apply as outlined in appendix B. (Amended, Ord. 99-13)

Subd. 11. No warranty by City. By enacting and undertaking to enforce the HMC neither the City nor its council, agents or employers 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 be printed on the face of the license. (Amended, Ord. No. 03-06)

Subd. 12. Administrative Fee. An administrative fee shall be due and payable by the property owner for when a required rental inspection when more than 30 days has elapsed without a required rental inspection during the inspections assigned month. This fee is in addition to any other fee or fine that may result from uncorrected HMC violations. Fees shall be as established by Appendix B. (Added, Ord. No. 07-18)

425.35. Appeals. Subdivision 1. Right of appeal. Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten business days after service of the compliance order. The filing fee is set by Council resolution. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety.

Subd. 2. Board of appeals decision. Upon at least five business days notice to the appellant of the time and place for hearing the appeal, and within 30 days after said appeal is filed, the City Council must hold a hearing thereon, at which the applicant may appear and present evidence as to why the compliance order, or any portion thereof, should not be issued. The City Council may reverse, modify or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council may postpone a meeting and hold hearing at a later date, not to exceed 60 days after the appeal is filed, when it is necessary to do so.

425.37. Penalties. Any person who fails to comply with a compliance order within the time limits specified therein and any person who violates any of the provisions of the HMC by doing any act or omitting to do any act which constitutes a breach of any section of the HMC shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or imprisonment as prescribed by state law. Each day of such failure to comply constitutes a separate offense. (Amended, Ord. No. 03-06)

Section 430 – Graffiti
(Added, Ord. No. 08-11)

430.01. Findings and purpose. Subdivision 1. The Robbinsdale city council is enacting this section to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property.

Subd. 2. The city council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Graffiti perpetrators are often associated with other criminal activities, including violent crimes. Unless the city acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.

Subd. 3. The city council intends, through the adoption of this section, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement of public and private property. The council does not intend for this chapter to conflict with any existing anti-graffiti state laws or “criminal damage to property” laws.

430.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

“Aerosol paint container” means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

“Broad-tipped marker” means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing ink or other pigmented liquid that is not water soluble.

“Etching equipment” means any tool, device, or substance that can be used to make permanent marks on any natural or man-made surface.

“Graffiti” means any unauthorized inscription, word, figure, painting, symbol, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorizations otherwise deemed a public nuisance by the city council.

“Graffiti implement” means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

“Paint stick or graffiti stick” means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-fourth of an inch in width.

“Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

430.05. Prohibited acts. Subdivision 1. Defacement. It is unlawful for any person to apply graffiti to any natural or human-made surface on any publicly owned property or, without the permission of the owner or occupant, on any privately owned property.

Subd. 2. Possession of graffiti implements. Unless otherwise authorized by the owner or occupant, it is unlawful for any person to possess any graffiti implement while:

- (a) Within 200 feet of any graffiti located in or on a public facility, park, playground, swimming pool, recreational facility, bridge, or other public building or structure owned or operated by a governmental agency; or
- (b) Within 200 feet of any graffiti located in any public place or on private property, between the hours of 10:00 p.m. and 5:00 a.m.

Subd. 3. Minors at or near school facilities. It is unlawful for any person under the age of 18 years to possess any graffiti implement while on or in any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provision of this subsection does not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers. The burden of proof in any prosecution for violation of this subsection is upon the minor student to establish the need to possess a broad-tipped marker.

430.07. Graffiti as nuisance. Subdivision 1. Declaration. The existence of graffiti on public or private property in violation of this chapter is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this chapter.

Subd. 2. Duty of property owner. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

Subd. 3. Repeat violations. If a property is subject to three or more occurrences of graffiti within a year, application of anti-graffiti material of a type and nature that is acceptable to the city may be required for each of the publicly viewable surfaces after notification by the city, or imposed during improvements or construction activities to the site as determined by the city.

430.09. Removal of graffiti. Subdivision 1. By perpetrator. The city may require any person applying graffiti on public or private property to either remove or pay for all costs for removal of the graffiti within 24 hours after notice by the city or property owner. The removal must be performed in a manner prescribed by the city, with materials and colors compatible with existing surfaces, and to a comparable or improved condition before the graffiti application as determined by the city. Where graffiti is applied by a person under 18 years old, the parents or legal guardian will also be responsible for such removal or for payment for the costs of removal. Failure of any person to remove graffiti or pay for the removal will constitute an additional violation of this chapter.

Subd. 2. By property owner or city. In lieu of the procedure set forth in subdivision 1, the city may order that the graffiti be removed by the property owner or any person who may be in possession or who has the right to possess such property, pursuant to the nuisance abatement procedure herein. Graffiti removal and corrections must be performed with materials and colors compatible with existing surfaces as determined by the city. If the property owner or responsible party fails to remove offending graffiti within the time specified by the city, the city may commence abatement and cost recovery proceedings for the graffiti removal in accordance with this section.

Subd. 3. Right of entry on private property. Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal, the city must attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the responsible party fails to remove the offending graffiti within the time specified by this section, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city will commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

430.11. Abatement procedure. Subdivision 1. Abatement by city. If the owner, occupant, or other responsible party does not comply with the notice within the time specified, the city may abate the public nuisance.

Subd. 2. Notice and hearing. The following notification must be conducted prior to city abatement of the public nuisance. Whenever it is determined that a public nuisance is being maintained or exists on a property, the city manager or authorized designee must give ten days' written notice through service by mail, by posting a notice on the property, or by personal delivery to the owner of or person in control of the property on which the public nuisance is located. When the property is occupied, service upon the occupant is deemed service upon the owner. Where the property is unoccupied or abandoned, service may be by mail to the last known owner of record of the property or by posting on the property and upon all lienholders of record if so required by state law. The notice must state:

- (a) A description of the public nuisance;
- (b) That the public nuisance must be corrected within ten days of the service of the notice;
- (c) That if the public nuisance is not properly removed or corrected as ordered, the public nuisance will be abated by the city and the costs of abatement will be specially assessed to the property taxes; and
- (d) That the owner of or person in control of the property on which the public nuisance is located may in writing request a hearing before the city manager or authorized designee.

Subd. 3. Hearing, action. If a hearing is requested during the ten-day period, the city manager or authorized designee must promptly schedule the hearing, and no further action on the abatement of the public nuisance may be taken until the city manager's decision is rendered. The property owner or responsible party may present evidence and argue the property does not constitute a public nuisance. At the conclusion of the scheduled hearing, the city manager or authorized designee may cancel the notice to remove or correct the public nuisance, modify the notice, or affirm the notice to remove or correct the public nuisance. If the notice is modified or affirmed, the public nuisance must be disposed of in accordance with the city's written order. Any written order shall be served upon the property owner or responsible party in the same manner as set forth in subsection 430.11, subdivision 2.

Subd. 4. Use of public funds. Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city is authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but will not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the city manager or the designee of the city manager determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

430.13. Summary abatement. Subdivision 1. The enforcing officer may provide for abating a public nuisance without following the procedure required in subsection 431.11, subdivisions 2 and 3 when:

- (a) There is an immediate threat to the public health or safety;
- (b) There is an immediate threat of serious property damage;
- (c) A public nuisance has been caused by private parties on public property; or
- (d) Any other condition exists that violates state or local law and that is a public health or safety hazard.

Subd. 2. A reasonable attempt must be made to notify the owner, occupant, or other responsible party of the intended action and the right to appeal the abatement and cost recovery at the next regularly scheduled city council meeting.

Subd. 3. Right of entry on private property. For summary abatement proceedings, the city may enter upon private property or property owned by a public entity other than the city and commence abatement and cost recovery proceedings for the graffiti removal.

430.15. Cost recovery. Subdivision 1. The owner of property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the city for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, city staff will prepare a bill for the cost and mail it to the owner or other responsible party. The amount is immediately due and payable to the city.

Subd. 2. Assessment. If the cost, or any portion of it, has not been paid within 30 days after the date of the bill, the council may certify the unpaid cost against the property to which the cost is attributable in accordance with the process set forth in subsection 2021.01, subdivision 3 of this code.

430.17. Penalties. Subdivision 1. Any violation of this section is a misdemeanor, punishable in accordance with state law.

Subd. 2. Any violation of this section may be subject to civil penalties in accordance with section 306 of this code.

Subd. 3. Minors. In the case of a minor, the parents or legal guardian is jointly and severally liable with the minor for payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

Subd. 4. This chapter is not intended to prohibit a private property owner from seeking additional penalties or remedies.

Section 435 – Point of Sale Housing Disclosure
(Added, Ord. No. 08-15)

435.01. Purpose. The City of Robbinsdale has determined that it is in the interest of protecting the public health, safety and welfare to maintain, preserve and improve residential housing by requiring the disclosure of housing information and defects as a condition of the sale of housing. The City Building Official may use this information to require the correction of code violations.

435.02. Definitions. For the purpose of this section, the following terms shall have the meanings set forth below:

Subd. 1. “Building Official” is the building official of the city of Robbinsdale.

Subd. 2. “Buyer” is a person who acquires real estate by means other than descent or inheritance and usually for money or the equivalent.

Subd. 3. “Certified evaluator” is an individual who holds a current certified evaluator license as issued by the city of Robbinsdale.

Subd. 4. “Owner” is a person who owns, occupies or operates by deed or other instrument of conveyance any premises; the term includes a person employed for the purpose of selling or otherwise conveying or managing such premises, including a guardian, administrator, executor, trustee or other agency acting on behalf of the owner; the term includes a person or committee supervising, policing or maintaining any cooperative or other common building area, dwelling units, or any condominium unit owners association.

Subd. 5. “Purchase agreement” is an agreement, deed, contract for deed or any other instrument of transfer or conveyance of residential premises; the term does not include the transfer of a document made solely for perfecting title.

Subd. 6. “Point of sale” is the time when a written agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of any condominium or townhouse or any building containing one, two or three dwelling units.

Subd. 7. “Point of sale disclosure report” consists of forms provided by the city of Robbinsdale that provide information concerning code requirements applicable to existing condominiums or townhouses or any building containing one, two or three dwelling units and the disclosures referenced in this section.

435.03. Applicability. This section shall not apply to any newly constructed housing or residential building when the title is conveyed to:

- (a) The first owner, except that no owner shall convey or contract to convey a newly constructed housing unit or residential building without first providing to the buyer:
 - (1) A list of names, addresses and telephone numbers of all contractors and subcontractors who constructed the building.
 - (2) The items referred to in section 430.07, subdivision 2D of the disclosure report.
- (b) A federal, state or local governmental unit when the title is transferred to the first owner following construction.

- (c) For one year from the date of the final inspection or certificate of occupancy of a newly constructed condominium, townhouse or any building or structure containing one, two or three dwelling units.
- (d) From an owner to a relative. For purposes of this exception, relatives shall be defined as a husband, wife, father, mother, son, daughter, brother, sister, grandson, granddaughter, grandfather or grandmother.

435.04. License. Subdivision 1. No person shall fill out a point of sale disclosure report in the city without having a valid license. The city will only approve people as certified evaluators who are licensed as point of sale evaluators in Bloomington, Minneapolis or St. Paul. The evaluators must submit a copy of their point of sale license and any certification papers to the city from the City of Bloomington, the City of Minneapolis or the city of St. Paul. Every certified evaluator who works in the city must have a city license. The city will automatically revoke or cancel a certified evaluator's license if it is revoked or cancelled for violation of law or violation of the certified evaluator's code of ethics in either Minneapolis or St. Paul. The city may require the passing of a test that shows the evaluator's knowledge of the housing code. The city may then issue a license which is valid for one year. The city may issue renewals of all such licenses. If a license lapses for one year or more, the person who held such license shall reapply to the city for renewal. No holder of a license or license from the city for a certified evaluator shall allow another person to use such license.

Subd. 2. The City Council may revoke the license of a certified evaluator for cause. At least ten days before the hearing, the city shall send written notification to the mailing address used in the evaluator's application. The notice shall list the date, time and place of the hearing and of the specific reasons for the suspension. The city manager may, at the manager's discretion, suspend the license of a housing evaluator pending a suspension hearing.

435.05. Insurance. Subdivision 1. No license shall be issued or renewed without satisfactory proof of insurance insuring the evaluator.

- (a) The city shall be included as a named insured on the required insurance, and any additional cost for including the city shall be at the expense of the evaluator.
- (b) The evaluator's insurance shall remain in force continuously thereafter, and no license shall be deemed to be in effect during any period of time when such insurance and proof thereof are not also in effect.
- (c) Each evaluator shall have an individually named insurance policy.
- (d) The insurance policy shall provide coverage of not less than \$250,000.00 per claim and \$500,000.00 per year, aggregate, against any and all liability imposed by law resulting from the performance of the duties as a certified point of sale evaluator.

435.06. Housing evaluation fees. The fee for the filing of point of sale disclosure reports shall be as determined by the City Council from time to time in a schedule titled "Appendix B."

435.07. Disclosure report. Subdivision 1. An owner shall not show a housing unit or residential building to a prospective buyer without publicly displaying and making available a point of sale disclosure report. This report shall be at the housing unit or residential building at the time of showing and within three days of listing. A copy of the disclosure report must be filed within 15 days with the city to be valid. A double filing fee shall be collected by the city if the report is not filed within 15 days.

Subd. 2. A point of sale disclosure report shall be on forms provided by the City. It shall include the following:

- (a) An evaluation by the certified evaluator providing information concerning code requirements applicable to existing condominiums or townhouses or any building containing one, two or three dwelling units and the disclosures referenced in this section. This evaluation shall include, but not be limited to, items addressed in the Point of Sale Uniform Guidelines which are periodically updated and adopted by the City Council by resolution.
- (b) For each area of the dwelling evaluated, the certified evaluator shall categorize the condition of the area and provide additional explanation in the comment section for all of the following:
 - (1) Meets city requirements.
 - (2) Below city requirements.
 - (3) Repair/replace items shall be deemed to pose an immediate danger to the health and safety of the occupant.
 - (4) Suggested correction shall mean an optional repair that should be disclosed to the buyer.
 - (5) Not applicable.
 - (6) Comments providing additional information as to the item of concern, location and source cause, if known.
 - (7) Not visible/not able to view.
- (c) The form shall include a signed disclosure by the certified evaluator indicating whether or not there are housing orders pending on the property issued by the building department.
- (d) The form shall include the following signed disclosures by the owner acknowledging:
 - (1) Any damage to the building or its contents by flooding or sewer backup and any evidence of chronic water seepage of which the owner has knowledge.
 - (2) The nature, extent and cause of any water seepage or flooding of any portion of the property.
 - (3) Any abandoned, unused or uncapped wells.
 - (4) Any discharge of storm water, ground water, roof runoff, yard drainage, foundation drains, or sump pumps into the sanitary sewer.
 - (5) Whether or not there are any pending housing or rental inspection orders from the city about the property.
 - (6) Any other known defects or problems that are not visible.

435.08. Limitations. Subdivision 1. In making an evaluation pursuant to this section, the certified evaluator shall consider any concealed facilities to be adequate. The evaluator shall base the evaluation on the functional operation of the facility and the condition of the equipment that is viewed. No other warrant is expressed or implied.

Subd. 2. No one shall consider anything in a point of sale disclosure report to imply that a residential building or housing unit meets all minimum building standards. In addition, no one shall consider anything in the report to imply a warrant of the condition of the housing evaluated. The certified evaluator warrants that they have used reasonable care and diligence in inspecting and evaluating the building.

435.09. Mandatory correction of repair/replacement items. Items shall be identified by the certified evaluator as repair/replace and be marked as such in the point of sale disclosure report as referred to in the Point of Sale Uniform Guidelines.

435.10. Correction of repair/replace items. Subdivision 1. The owner shall promptly correct all items marked as repair/replace by the certified evaluator. The owner shall obtain all necessary permits from the city and the premises shall be subject to inspection by the building official prior to sale and occupancy of the dwelling. If there are no items marked as repair/replace or when all items marked repair/replace have been corrected, and inspected by the building official, the city will issue a certificate that will serve as proof of compliance with the section.

Subd. 2. The buyer, designated in a purchase agreement, may elect to correct the items marked as repair/replace in the point of sale disclosure report. Such corrections may be undertaken by a buyer only upon the written consent of the building official and subject to such terms and conditions, including, but not limited to, conditions related to occupancy, as may be required by the building official.

Such terms shall include but are not limited to a signed agreement on behalf of the city from the buyer accepting the responsibility of correction of the repair/replace items, reasonable completion dates acceptable to the city and financial evidence of ability to perform the corrections.

Subd. 3. Appeals of the point of sale disclosure reports. An owner or buyer aggrieved by a point of sale disclosure report may appeal from the action of the certified evaluator to the city manager who shall make a ruling on the appeal.

435.11. Violations. Any person failing to meet and follow the requirements of this section shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with section 115 of the Robbinsdale city code.