

AGENDA



1. City Council Discussion of Agenda Items and Questions - 6 p.m.

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

2. Miscellaneous

3. Discussion of Work Session Agenda Item as Time Permits

4. Adjourn

**CITY COUNCIL
MEETING**

City Hall Council Chambers
October 22, 2018

AGENDA



1. Informal Open Forum with City Council - 6:45 p.m.

Provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the citizen for informational purposes only.

2. Invocation - 7 p.m.

3. Call to Order Regular Business Meeting

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

a. Approval of Minutes

- Motion to approve the minutes for:

- *October 8, 2018 - Study Session*
- *October 8, 2018 - Regular Session*
- *October 8, 2018 - Work Session*

b. Approval of Licenses

- Motion to approve the licenses as presented

c. Resolution Authorizing Habitat for Humanity to Participate in the Hennepin County Housing and Redevelopment Authority's Affordable Housing Incentive Fund Loan

- Motion to approve the resolution authorizing Habitat for Humanity to participate in the Hennepin County Housing and Redevelopment Authority's Affordable Housing Incentive Fund Loan

d. Resolution Adopting the Hennepin County All-Hazard Mitigation Plan

- Motion to adopt resolution for the Hennepin County All-Hazard Mitigation Plan.

- e. Resolution Accepting Work Performed and Authorizing Final Payment, Project No. 2016-09, 69th Avenue Greenway and Cahlander Park Fence Replacement Improvements
 - *Motion to approve the resolution accepting work performed and authorizing final payment, Project No. 2016-09, 69th Avenue Greenway and Cahlander Park Fence Replacement Improvements*
- f. Resolution Accepting Work Performed and Authorizing the Release of Funds for Certain Financial Guarantees Being Held by the City (Luther Brookdale Volkswagen Dealership)
 - *Motion to approve a resolution Accepting Work Performed and Authorizing the Release of Funds for Certain Financial Guarantees Being Held by the City (Luther Brookdale Volkswagen Dealership).*

7. Presentations/Proclamations/Recognitions/Donations

- a. Proclamation Declaring October 22, 2018, to be Designated as Random Acts of Kindness Day
 - *Motion to approve Proclamation Declaring October 22, 2018, to be Designated as Random Acts of Kindness Day*
- b. Random Acts of Kindness Recognition and Certificate Ceremony
 - *City Council members alternately read nominations received for Random Acts of Kindness while Mayor Willson presents the Certificate of Recognition to the nominees.*

8. Public Hearings

- a. An Ordinance Amending Chapters 1 and 19 of the City Code of Ordinances Regarding Chickens
 - *Motion to open public hearing, take public comment, and close public hearing*
 - *Motion to adopt an ordinance amendment Chapters 1 and 19 of the City Code of Ordinances creating provisions to allow the keeping of backyard chickens*

9. Planning Commission Items

10. Council Consideration Items

- a. Consideration of Type IV 6-Month Provisional Rental License
 - *Motion to approve a resolution for a Type IV - 6 Month Rental License for 6919 France Ave N*
- b. An Ordinance Amending Chapters 19 and 27 of the City Code Regarding Parking
 - *Motion to approve the first reading of an ordinance amending Chapters 19 and 27 of the City Code regarding parking, and call for a second reading and public hearing for November 13, 2018*
- c. Resolution Adopting Interim Regulations Related to Elementary and Secondary Schools as an Interim Use
 - *Motion to approve a resolution adopting interim regulations for elementary*

and secondary school use in the City's commercial district on the issuance of an Interim Use Permit

11. Council Report

- a. Reminder of Snow Event Parking Ordinance Effective November 4

12. Adjournment

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the minutes for:*
 - *October 8, 2018 - Study Session*
 - *October 8, 2018 - Regular Session*
 - *October 8, 2018 - Work Session*

Background:

Strategic Priorities and Values:

Operational Excellence

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

STUDY SESSION
OCTOBER 8, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Tim Willson at 6:02 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Public Works Director Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Business and Workforce Development Specialist Brett Angell, Deputy Director of Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

City Manager Curt Boganey reported that since the abatement has been taken care of, Consent Agenda Item 6f, Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota, can be removed from the agenda.

Councilmember Ryan requested discussion on Consent Agenda Item 6e, An Ordinance Amending Chapter 23 of the City Code of Ordinances Regarding Tobacco and Tobacco Related Products. He asked whether there is a ban under State Statutes against smoking sample tobacco products at a tobacco sales vendor's establishment.

City Attorney Troy Gilchrist recalled the provision that was suggested by Hennepin County to the City as it viewed that provision as being a loophole in State law since it is not strictly prohibited. Mr. Gilchrist advised that the City's ordinance as drafted is written to prevent that from occurring.

Councilmember Ryan read the Statute language and asked if it also applies to vaping products. Mr. Gilchrist stated that is a covered product and would also apply; however, he will look at the language again to assure that is the case.

Mayor Willson stated the City Council received a letter from the Minnesota Department of Health supporting the T-21 Ordinance and even more strict regulations.

Councilmember Ryan stated it would be ideal if this were enacted as State law to require an age of 21 to purchase tobacco but the possibility exists to strengthen the City's ordinance if the State fails to meet its responsibility.

Mayor Willson noted after the City Council's discussion, State and federal agencies have debated the same concerns and are now going after vaping products as they contain nicotine and flavors that market to young people.

Councilmember Graves asked whether a presentation will be made on Agenda Item 8a, An Ordinance Amending Chapter 12 of the City Code of Ordinances Regarding Rental Licensing. Mr. Boganey stated a staff overview will be provided prior to the public hearing.

Councilmember Lawrence-Anderson requested the following correction to the Regular Session minutes of September 24, 2018:

Page 7, Paragraph 1:
"...to pick up their car..."

It was the majority consensus of the City Council to accept the correction to the September 24, 2018, Regular Session minutes.

MISCELLANEOUS

Councilmember Graves asked when the City Council will hear more about the affordable housing discussion. Mr. Boganey stated he spoke with the Community Development Director today and that topic will be scheduled for November.

Councilmember Graves asked how it is decided which proclamations are considered, noting October is Domestic Violence Awareness Month and today is Indigenous People Day. Mayor Willson stated October is also Cancer Awareness Month. Mr. Boganey stated the process is to submit a request to the City Clerk's office and it is then shared with Mayor Willson.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

HONEY BEEKEEPING

City Manager Curt Boganey introduced Community Development Director Meg Beekman to introduce this item.

Community Development Director Meg Beekman noted this issue had been presented to the City Council on May 29, 2018; however, the discussion largely focused on the keeping of native pollinator bees. At that meeting, staff had indicated the City Code is largely silent on the keeping of bees and while it could be interpreted to prohibit the keeping of honey bees, the City's past practice has been to not prohibit that activity. At the time of that discussion, the City had never received a complaint about the keeping of honey bees.

Ms. Beekman stated the City Council's direction was to not make any changes to the ordinance and discussion ensued on the allowance of native bee habitats provided they were in keeping with other Property Maintenance Code provisions. Ms. Beekman noted the City has now received a complaint regarding a resident keeping honey bees. The City's Code Enforcement Inspector investigated and confirmed the keeping of honey bees on the property.

Ms. Beekman explained the City Attorney has since reviewed the Code and feels it prohibits the keeping of honey bees. She stated while the City does not need to enforce this provision, staff recommends amending the ordinance if the City Council does want to expressly allow honey bees. If the City Council wants to prohibit honey bees, the ordinance would not need to be amended but it would be helpful if the City Council provided clearer direction since it would constitute a change in past practice.

Mayor Willson stated he remembers the discussion that found honey bees fall under a farm animal type of consideration whereas native bees do not fall under that category. He stated with raising chickens, they are to provide eggs to the owners but not for sale to the public. He asked if that consideration would be the same with honey bees in not being able to sell honey to the public.

Ms. Beekman answered in the affirmative, noting additional research will be needed and the Housing Commission may also be asked for a recommendation. She stated some interested residents are in attendance tonight and may want to make comment when this topic is before the City Council. She doubted that large amounts of honey would be produced to the extent there would be honey for sale to the public.

Mayor Willson agreed that is probably the case in Brooklyn Center where yards are not as large so they cannot support more than one or two hives. He also agreed with the need for additional research before considering this option.

Councilmember Butler asked what type of complaint was received. Ms. Beekman stated her sense it was just a complaint that honey bees were being kept. She stated staff are not experts in honey beekeeping and if the direction is to not allow them, she recommends getting expert advice before acting on enforcement to assure safe removal of the hive.

Mayor Willson wondered if it was a different property complaining about someone keeping honey bees, noting that is how the City became aware of a resident keeping pigeons.

Councilmember Butler stated she does not have a problem with residents keeping honey bees as it is her understanding they would need a large acreage in order to make a profit from selling honey. Instead, she finds it is more of a personal gardening or hobby activity. Councilmember Butler stated she does not think the City Council needs to spend a lot of time on it.

Mayor Willson noted the City Council will need to assure an ordinance is appropriate if it is considered.

Councilmember Graves stated bugs are a fan of hers so she is concerned about that but understands the importance of pollinators and would consider allowing honey bees. She also understands the concern of having too many honey bees but would ask why anyone would object to selling honey as it would promote the City Council's strategic goal of resident economic stability. She supported looking at what that process would look like as residents may be interested in selling honey at the local Pop-Up Market.

Mayor Willson noted if selling honey is allowed, the City would have to get information from the Minnesota Department of Health about their regulations. He stated while he does not object to considering honey bees, he wants to assure all aspects are known. He noted not all native bees sting or swarm or make honey.

Mr. Boganey stated the City Ordinance excerpt is not included in the packet and asked the City Attorney to explain the section of Code that applies and why it does not allow the keeping of honey bees.

Mr. Gilchrist stated this came from an opinion expressed by a law student hired by the University of Minnesota to review local ordinances on bee keeping. The conclusion of that research indicated that since Brooklyn Center does not expressly deal with the issue, it is allowed. Mr. Gilchrist stated he takes exception to that conclusion as the Zoning Code says if a land use is not expressly allowed, then by default it is prohibited. He noted honey beekeeping is not specifically allowed under any zoning district so the default is that it is prohibited. Mr. Gilchrist referenced Section 19 of the City Code dealing with the keeping of wild animals generally and that it is not allowed. He stated with those two provisions, he finds the keeping of honey bees is not allowed. Mr. Gilchrist advised if the City Council wants to allow the keeping of honey bees, then it should be expressly stated as such and parameters established to assure there are sufficient barriers so it does not create a nuisance to neighbors.

Mayor Willson concurred and stated if complaints are received in a location, then the Nuisance Ordinance will have to apply. He stated the next issue may be raising geese or turkeys or potbelly pigs and asked where the 'line is drawn.'

Councilmember Ryan stated he was a 'chicken skeptic' but it appears the City Council will pass that ordinance and if adopted, he has a duty to support the consensus decision. He explained that in cases like this, his concern is that if you allow one agriculture use then does it establish precedent for allowing other agriculture uses as being acceptable. Councilmember Ryan stated he visited with a resident who advocated backyard chickens and also keeping goats as they are good for eliminating Buckthorn, noting that speaks to his concern of establishing precedence.

Mayor Willson asked if someone wants a milk cow, and some properties in the City could support it, what would be the difference between that and other farm animals. Mr. Boganey stated the answer is that the 'line is drawn' wherever the City Council decides to 'draw the line.' It is a question of the City Council's discretion as to how to respond to various requests and whether it can be reasonably managed and something the community standards and values would support. It is a policy decision of the City Council on a case-by-case basis and a different conclusion could be reached depending on the request and facts.

Mr. Gilchrist concurred with Mr. Boganey and stated the issue of honey bees is before the City Council because it is not a decision of staff and the ordinance does not allow it. If the City Council wants to add honey beekeeping, then the ordinance can be changed to name that use. The reason a goat would not be allowed is because it is not named in the ordinance as being allowed. He advised that from a legal perspective, the City Council is not compelled to allow anything more than specifically named in the ordinance.

Councilmember Ryan stated he felt it was a point that needed to be addressed by informed sources. He noted there is a generational divide as the long-term residents he spoke with are skeptical of these uses, whereas others embrace a different lifestyle that entails an ecological focus, which he has to respect even if concerned about possible conflicts that may arise. He stated he wouldn't object to further studying beekeeping.

Mayor Willson commented on how different diversities view animals, noting while in Liberia at a formal celebration, he was handed a white chicken, which has great meaning to the Liberian population. He stated he does not object to further discussion on honey beekeeping as long as the health issues are addressed if honey is for sale, and that additional requests are considered on a case-by-case basis.

Councilmember Graves asked if residents who currently have honey bees will receive a citation. Mayor Willson suggested the City Council place a moratorium on enforcement of honey beekeeping until this issue is resolved.

It was the majority consensus of the City Council to refer the keeping of honey bees to the Planning Commission and Housing Commission for their review and recommendation.

BROOKLYN CENTER SCHOOL DISTRICT REQUEST FOR AN INTERIM USE PERMIT

City Manager Curt Boganey introduced Community Development Director Meg Beekman to introduce this item.

Community Development Director Meg Beekman stated the Brooklyn Center School District is embarking on a significant renovation of the Brooklyn Center Middle and High School. In order to accommodate the most efficient construction schedule, the School District is expecting to relocate a number of high school students and faculty into temporary off-site classrooms for approximately two years and has identified the former Brown College building as a suitable location.

Ms. Beekman stated this relocation will require some renovation to the vacant building to make it suitable for student use. The School District would like to enter into a 20-month lease and begin renovations as soon as possible so it is ready for students by January. She explained the building is currently zoned C-2, which does not allow K-12 education as a permitted use. The property is also in the Central Commerce Overlay District that prohibits K-12 educational uses.

Ms. Beekman noted the Zoning Code has a provision that allows temporary classrooms as an interim use on properties already occupied by schools, through an Interim Use Permit (IUP). The IUP process is similar to the City's Special Use Permit (SUP) process as it requires a public hearing before the Planning Commission and approval from the City Council. In addition, the City can place a sunset date on the IUP, which is not allowed with the SUP process.

Ms. Beekman stated if the City Council is amenable to the use of the former Brown College building as temporary classroom space, it can be accommodated through an amendment to the current IUP provision for temporary classroom space and minor modification to the C-2 and Central Commerce Overlay Districts.

Ms. Beekman explained that in order to accommodate the School District's timeline, they are asking the City Council to consider an interim ordinance that gives the School District the confidence to sign a lease and begin their remodeling work while the ordinance amendments and IUP application move through the City's typical process. She noted the City Attorney has indicated the City can process the interim ordinance through a resolution rather than an emergency ordinance, which can be brought to the City Council as soon as October 22, 2018, if the City Council decides to move forward.

Ms. Beekman stated there is mutual benefit as the site is currently vacant and under a master study so holding that site with this use would be favorable for the City and from a land use perspective.

Mayor Willson noted the building is already set up with classrooms so this would be a good use. He stated he supports the interim use and the School District in the changes they are making. Mayor Willson stated it comes down to an issue of security and this reconstruction project will put security in place. He noted the City allowed an interim process with Luther Auto and he believes it will also work well with this request.

Councilmember Graves asked about bussing students.

Jim Langevin, School District Director of Operations, stated they will have a master plan to phase starting times by 15 minutes to accommodate bussing schedules. In addition, there will be a shuttle bus.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Willson close the Study Session at 6:45 p.m.

RECONVENE STUDY SESSION

Councilmember Ryan moved and Councilmember Graves seconded to reconvene the Study Session at 6:54 p.m.

Motion passed unanimously.

**BROOKLYN CENTER SCHOOL DISTRICT REQUEST
FOR AN INTERIM USE PERMIT – continued**

Councilmember Graves stated her support to consider this request by resolution rather than emergency ordinance.

Councilmember Ryan stated support for staff's recommendation to provide the School District with assurance that the City Council supports their efforts whether by interim ordinance or resolution.

Mayor Willson noted an interim ordinance may be better for documentation, noting that process has been used in the past.

Mr. Boganey explained the City Attorney has advised that either process can be used. He asked for an explanation of the significant difference between the two approaches. Mr. Gilchrist stated if using a resolution, as has been done in the past, it puts in place temporary regulations while the interim ordinance is working itself through the process. The resolution would put it into place now and the ordinance amendment would then follow. Mr. Gilchrist explained that consideration of an emergency ordinance needs a component of urgency, which this may potentially have, and if adopted would result in the immediate adoption of the interim ordinance with the zoning ordinance amendment working itself through the process. Mr. Gilchrist stated the City Council enacted an emergency ordinance several years ago but does not do so often. He stated either process is fine in this particular case.

The majority consensus of the City Council was to direct staff to move forward with the requested resolution and interim ordinance for consideration at the October 22, 2018, City Council meeting.

ADJOURNMENT

Councilmember Graves moved and Councilmember Ryan seconded to close the Study Session at 6:59 p.m.

Motion passed unanimously.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

REGULAR SESSION
OCTOBER 8, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Tim Willson at 6:45 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Public Works Director Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Business and Workforce Development Specialist Brett Angell, Business and Workforce Development Specialist Brett Angell, Deputy Director of Building and Community Standards Jesse Anderson, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

Mayor Tim Willson opened the meeting for the purpose of Informal Open Forum. He announced the coming ordinance related to parking restrictions during snow events.

Honey Beekeeping

Sara Capers, 5218 70th Avenue, Willow Lane, Precinct 4, addressed the City Council. She stated the reason the honey beekeeping issue was brought forward was because her neighbor received a complaint and was told by Mr. Hartman she had two weeks to comply. Ms. Capers stated she has been keeping bees in Brooklyn Center for seven years and had called City staff prior and received verbal permission to keep bees. She noted the May 29 memorandum states clearly the City does not have a City Code in place relating to beekeeping. Ms. Capers stated it seems there was arbitrary enforcement even though, as she understands it, there is not actually a City ordinance to enforce. She had shared the University of Minnesota opinion and staff explained they sometimes get clarification on the phone. Ms. Capers stated in turn, she found a law firm willing to pro bono assist her as their impression is that there is not something to enforce. She stated she is happy this is moving forward but frustrated it is being enforced and moved forward without due process.

Mayor Willson stated if there is a complaint, Code Enforcement will follow up but cannot go into a back yard to see if there are bees. He stated he wished the threat of a lawyer had not been brought up as it raises red flags for him.

Mr. Boganey apologized if staff gave information in the past that was in error. He stated the discussion tonight indicated the language was far from being clear so staff could have come to a conclusion that was in error and passed it on to a resident but if so, it was done in good faith and not arbitrarily. Ms. Capers stated she does not believe it was deliberate.

Mayor Willson supported a moratorium on enforcement until the City Council can make a determination. Mr. Boganey stated staff will not enforce that section of the ordinance until that time.

Pop Up Market

Lennie Chism, P.O. Box 581452, Minneapolis, congratulated Business and Workforce Development Specialist Brett Angell for making the Pop Up Market a success. He stated the Markets did well with over 100 vendors, food trucks, and even an 82-year-old selling crochet products. He stated there were no incidents, and next year they would like to use the Shingle Creek and Bass Lake Road site that is owned by the City.

Mayor Willson apologized for a resident comment made to Mr. Chisolm as that was inappropriate and is not supported by the City Council. He stated he looks forward to conversations over the winter months on the plans for next summer. Mr. Boganey stated the 2019 budget does include this activity.

Mr. Boganey stated staff will present a report on the current program at an upcoming meeting and entertain suggestions for an improved event next year.

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded to close the Informal Open Forum at 6:54 p.m.

Motion passed unanimously.

2. INVOCATION

In recognition of Indigenous Day, Councilmember Graves read a quote from Winnona LaDuke as the Invocation and requested a moment of silence.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Tim Willson at 7:02 p.m.

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Assistant to the Community Development Director Michael Ericson, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Business and Workforce Development Specialist Brett Angell, Deputy Director of

Building and Community Standards Jesse Anderson, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, as amended, to remove Consent Item 6e, Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota, and with an amendment to the Regular Session minutes of September 24, 2018, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. September 17, 2018 Joint City Council and Financial Commission
2. September 24, 2018 City Council Regular Session
3. September 24, 2018 City Council Work Session

6b. LICENSES

MECHANICAL CONTRACTOR

Angell Aire, Inc.	12253 Nicollet Avenue S., Burnsville, MN 55337
Boiler Services, Inc.	10327 Flanders Street NE, Blaine, MN 55449
Preventative Mechanical Service	1875 Buerkle St. NW, White Bear Lk, MN 55110
Schuler Plumbing LLC	17850 Erkium Street NW, Ramsey, MN 55303

RENTAL

INITIAL (TYPE II – two-year license)

5731 Northport Drive	Ross Herman
5312 Queen Avenue N.	Renee Anoje

RENEWAL (TYPE III – one-year license)

5211 Xerxes Avenue N.	Chad Johnson
-----------------------	--------------

RENEWAL (TYPE II – two-year license)

Marvin Gardens Townhomes	Redevco Mgmt. Co.
6710 Orchard Lane N.	
5209 Xerxes Avenue N.	Chad Johnson
6813 Noble Avenue N.	Brian Reese
6538 Ewing Avenue N.	TuUyen Tran
7018 Irving Avenue N.	Omar Adams
	Cosco Properties LLC
6424 Scott Avenue N.	c/o MSP Home Rental
819 Woodbine Lane	RHA 3, LLC

RENEWAL (TYPE I – three-year license)

2307-09 54 th Avenue N.	James Johnson
5901 Aldrich Avenue N.	RHA 3, LLC
5956 Beard Avenue N.	Ann Cook
5501 Brooklyn Boulevard	Mains'l Properties
5432 Bryant Avenue N.	Christopher Michael Raisch
1537 Humboldt Place N.	ShoeMiller Properties LLC
7200 Morgan Avenue N.	Dwayne Holmstrom
3213 Quarles Road	Infinite Properties LLC

SIGN CONTRACTOR

Pajor Graphics, Inc. 1301 Washington Ave. N., Mpls., MN 55411
DBA: ASI Signage Innovations

- 6c. RESOLUTION NO. 2018-177 GRANTING THE APPROVAL OF PHASE II PROJECT AT CARRINGTON DRIVE APARTMENT COMPLEX**
- 6d. RESOLUTION NO. 2018-178 DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DEAD TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA**
- 6e. AN ORDINANCE AMENDING CHAPTER 23 OF THE CITY CODE OF ORDINANCES REGARDING TOBACCO AND TOBACCO RELATED PRODUCTS**
- 6f. RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA** This item was removed from the agenda upon adoption

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. PROCLAMATION FOR PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Mayor Willson read in full a Proclamation declaring October 15, 2018, as Pregnancy and Infant Loss Remembrance Day.

Councilmember Graves moved and Councilmember Ryan seconded to adopt PROCLAMATION declaring October as National Pregnancy and Infant Loss Awareness Month and October 15, 2018, as National Pregnancy and Infant Loss Remembrance Day.

Mayor Willson stated a dear friend of his lost an infant to Sudden Infant Death Syndrome (SIDS)

and it was very devastating to that young family. He stated it also made an impact on him and he is pleased to consider this Proclamation.

Motion passed unanimously.

7b. PROCLAMATION RECOGNIZING NATIONAL COMMUNITY PLANNING MONTH

Mayor Willson read in full a Proclamation declaring October as National Community Planning Month.

Councilmember Ryan moved and Councilmember Butler seconded to adopt PROCLAMATION declaring October as National Community Planning Month.

Motion passed unanimously.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2018-14 AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES REGARDING RENTAL LICENSING

City Manager Curt Boganey introduced Community Development Director Meg Beekman to present this item.

Community Development Director Meg Beekman reviewed the background and City Council's past consideration of this ordinance amendment to modify the rental program to remove the attendance at Association of Responsible Managers (ARM) meetings and the requirement for monthly updates; to require an inspector consultation for repeat Type IV rental licenses that repeat due to property Code violations; modify the ordinance to allow Mitigation Plans to be approved by staff similar to how Type III Rental License Actions Plans are currently approved; and, modify the Rental License Category Criterial Policy to increase the number of property Code violations per category by one for one- and two-family dwellings. It was noted the ordinance modification would allow the applicant to appeal staff's decision to the City Council, if requested.

Ms. Beekman stated staff recommends the effective date of the ordinance be December 1, 2018. After that date, any rental license that goes before the City Council for approval would not be affected by a failure to attend ARM Meetings and/or submit monthly reports, as well as the other provisions of the ordinance amendment.

Ms. Beekman explained if the ordinance amendment is approved, staff will begin working with rental license applicants and upcoming renewals to ensure a fair process as the City transitions to the new provisions. She noted there is also a proposed modification to the wording in the Rental License Ordinance relating to the requirement for a Crime Fee Lease Addendum and the license action sections. These changes are to clean up the wording in the ordinance and will not change the requirement.

Ms. Beekman explained that separate from these ordinance amendments, staff is proposing a number of initiatives designed to improve communication with residents in the City who are renters and provide resources about their rights and responsibilities as tenants. She stated staff has drafted a rental resource booklet for renters that contains information about the City's rental licensing program, what to do if renters feel their rights are infringed upon, and other resources renters may find useful. In addition, staff proposes an annual mass mailing to all rental units to provide useful information, similar to a welcome packet, to ensure every renter is welcomed and provided information on how to engage with the City, coupon book, parks and trails map, snow emergency, homeownership classes, as well as their rights and responsibilities as tenants.

Ms. Beekman reviewed next steps to hold a public hearing, take public comment, and consider adoption of the ordinance.

Mayor Willson asked whether the mass mailing will go to every rental residence and rental unit in the City. Ms. Beekman stated that is the intention and because of the licensing process, the City knows which properties are rental. For multi-unit apartment buildings, staff will have to determine the best process and how to do that in the most cost-effective method.

Councilmember Lawrence-Anderson stated it may be a good idea to also include School District information as well as polling location for voting. Mayor Willson agreed and suggested the new snow parking ordinance also be included.

Councilmember Graves stated her support for staff's suggestion to create a renter informational packet and asked if the City Council will see that information. She also asked whether the City tracks excessive complaints at any rental location and is aware of a potential situation from the tenant's perspective.

Mayor Willson stated in giving this information to residents, they will know who to contact should a situation arise. He chided a person who made comments at the last City Council meeting for impeding a staff member and their vehicle from leaving the parking lot. Mayor Willson emphasized that City Hall should be a safe place and intimidation and/or impeding progress of an individual will not be allowed, he does not support that activity, and wants to look for ways to alleviate that problem through citations or police citations.

Mr. Boganey stated staff will share the rental packet information with the City Council. With regard to the question on excessive complaints, he is not sure how that would be defined but the intent for the information to renters is to direct them to the correct location if they have a complaint, which is not necessarily the City.

Councilmember Graves stated other cities have prohibited licensing to some companies because of their practices. She asked about the City's process to identify those situations if they should occur in Brooklyn Center. Mayor Willson stated Minneapolis took a license away from an apartment owner who had not properly maintained their apartment and was not truthful with that city. He stated the rental license is the key with apartment complexes and as for complaints, the

City works within its ordinances and would not get involved in a complaint by an apartment dweller per se unless it deals with the City's ordinances.

Ms. Beekman stated staff does track complaints about maintenance and repairs so from a quantity standpoint and identifying patterns, that is done. The City's inspectors and staff are in very frequent communication with problem properties and out doing inspections even within the 6 months for a Type IV. Ms. Beekman stated staff also has a good relationship with HOMELine staff.

Mayor Willson stated there was also the sale of the Minneapolis property to another entity which was actually a sham as the original owner remained in control. He stated the City has seen more often when single-family residences are rented out, the license expires, and the rental license is not renewed. In those cases, the City cannot do anything until the current renter leaves and a new renter wants to move in.

Councilmember Graves thanked staff for the clarification.

Mr. Boganey stated the City has revoked rental licenses in the past, once with a very large apartment after a long period of consistent repeated difficulties with the landlord where it was known there was sufficient evidence to uphold the revocation when it went to court. That authority exists in the current ordinance and can be used if the situation warrants.

Mayor Willson stated with the rental license that was revoked, there is now a new owner and landlord who have turned around that apartment complex and rectified a number of concerns to make it safer for renters.

Councilmember Ryan stated the purpose of revising the ordinance is to improve efficiency of the enforcement process. Ms. Beekman confirmed that was the case and stated more than 50% of Type IV licenses are repeating license type due to logistics, not attending meetings or submitting monthly reports. It has been found there is a need to recalibrate to better focus resources on assuring the Code is being met and Type IV licenses are progressing. Then staff can also focus on the real problem properties to get them to improve and not remain repeat Type IV licenses.

Mayor Willson stated the City Council had that conversation and the general consensus was to implement the ordinance and then if it needs to be tweaked, there is not an issue as long as the amendment is justified. He commented that when an ordinance is put into place, it may not be perfect so a tweak may be justified.

Councilmember Butler asked for an explanation on the inspections, if there is a cost related, and how often inspections would be done. Mayor Willson stated the intent is to provide a consultation on what needs to be done before a citation is issued and additional costs are incurred.

Ms. Beekman stated this would not be a full inspection but a walk through with the property owner to explain the process and what items the inspector will be looking for when the formal inspection is done. This would occur with repeat Type IV licenses where staff would become a

resource for them. Ms. Beekman stated the current fee schedule does not include this service so a fee is not proposed but it may be considered in January when the fee schedule is reviewed.

Councilmember Butler asked about the number of violations. Ms. Beekman explained the number of violations determines license type and that is a policy consideration. She described why inspections are more involved with a single-family home rental than with a multi-unit. Staff found when looking through the data, the number of multi-unit apartment violations was appropriate and Type IV are at that level because of legitimate Code violations. With single-family housing rentals, it is difficult to get a Type I license type even by homeowners who are trying very hard to attain that license type. Because of that, staff received complaints that it was not fair to owners of single-family rental houses.

Mayor Willson stated he was asked by a homeowner to look at four homes on the block and point out which one was a rental unit. He noted he could not tell because it was so well cared for.

Councilmember Graves asked with an apartment building, what percentage are inspected. Ms. Beekman answered 100 percent.

Councilmember Graves asked why staff recommends the number of allowed Code violations should change. She also asked whether staff tracks how long the property remains at a Type IV license type. Mayor Willson stated that data is tracked and if a fee is to be charged for inspector consultations, it would require an ordinance change.

Councilmember Graves stated she would not support that type of fee unless it was a very long-term Type IV license type even after staff consultations. She stated it would be nice to have access to mitigation plans. Mayor Willson stated if there are violations and recommendation for revocation, the City Council will be provided with that information.

Mr. Boganey stated the City has an obligation to look at how effective it is with the ordinances as adopted. If it is found the way the ordinance is written does not utilize staff resources in the most effective manner, then an amendment should be considered to get the best out of the resources the City has available. Mr. Boganey noted the recommended changes and providing consultations to Type IV landlords is based on an analysis that a lot of the repeat Type IVs are caused by things (did not submit report in time, did not attend an ARM meeting) that don't necessarily improve the outcome of how the property is maintained. This amendment will remove those obligations and allow staff to focus on Type IVs that are most important in terms of having a livable environment for the tenants. This change will narrow the scope and put more resources to work with those types of landlords and at a minimum, address landlords that lack understanding of the City's expectations and requirements to move beyond a Type IV license type.

Councilmember Graves stated she understands the intent but for the Type IVs that continue, she would like access to information on those properties. Mr. Boganey stated staff can produce a year end report to answer some of those questions if directed to do so by the City Council.

Mayor Willson noted that would require staff time and effort. He did not think the City Council should micromanage staff and should depend on staff to make the right decisions and recommendations. Councilmember Graves stated she is not saying staff is not doing a good job or trying to micromanage.

Mayor Willson stated a City Council consensus would be needed to go that route.

Councilmember Butler stated she appreciates the proposal for the rental informational booklet and looks forward to reviewing it. She also likes homeowner educational classes so people understand that home ownership is a possibility, noting that will improve resident economic stability. Mr. Boganey stated staff is working on putting that type of program together.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves asked if anyone is interested in getting a year end report on Type IV problem properties. Councilmembers Butler and Lawrence-Anderson answered in the affirmative. Mr. Boganey stated with a majority consensus reached, staff will provide that report.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to adopt ORDINANCE NO. 2018-14 Amending Chapter 12 of the City Code of Ordinances regarding Rental Licensing.

Councilmember Ryan stated his appreciation to Mr. Boganey for his comments, noting this action will improve the efficiency and fairness of the enforcement process and further the goals of the City's excellent performance-based rental ordinance.

Councilmember Lawrence-Anderson commended staff for the well-written amendment. Councilmember Ryan concurred.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

- None.

10. COUNCIL CONSIDERATION ITEMS

10a. CONSIDERATION OF TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSES

Mayor Willson explained the streamlined process that will now be used to consider Type IV 6-Month Provisional Rental Licenses.

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Item 10a.

10a. APPROVING A TYPE IV RENTAL LICENSE FOR 5331 70th CIRCLE AVENUE NORTH

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to approve a Type IV Rental License for 5331 70th Circle, with the requirement that the mitigation plan and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

10b. RELEASE OF DRAFT 2040 COMPREHENSIVE PLAN AND RELEASE IT FOR PUBLIC COMMENT

City Manager Curt Boganey introduced Community Development Director Meg Beekman to present this item.

Community Development Director Meg Beekman explained that over the past year, the City and its consultant, Swanson Haskamp Consulting, have been working on the 2040 Comprehensive Plan. The process has included extensive work by the Planning Commission as well as significant engagement with the community and the City's other Commissions and Committees.

Ms. Beekman explained the 2040 Comprehensive Plan is in draft form and subject to further revisions and public comment. It was noted that Chapter 8, Transportation, and Chapter 9, Infrastructure, are placeholders while consultants work on those elements and will be added once their work is completed.

Ms. Beekman described the public engagement process and areas in which the Planning Commission is recommending more detail relating to economic development work in the City and their unanimous recommendation to accept the 2040 Draft Comprehensive Plan and release it for public comment.

Jennifer Haskamp, Swanson Haskamp Consulting, described their work to complete the final 2040 Comprehensive Plan Update. She provided a PowerPoint presentation explaining the Comprehensive Plan is a long-range 10-year plan with a 20-year horizon that contains a unified

vision, goals and strategies (but not the specificity), and addresses current and future planning. Ms. Haskamp explained the Metropolitan Council requires a Plan update every ten years and compliance with its 2015 System Statement and 15-page checklist.

Ms. Haskamp explained the items specific to Brooklyn Center to add 2,250 new households by 2040. Mayor Willson noted the City is already moving in that direction with development of the Opportunity Site. Ms. Haskamp stated the City has not seen that level of growth in quite some time and the question is, how to plan for living in those new housing units.

Councilmember Ryan stated there is a misconception about the Metropolitan Council having too much power, noting the Comprehensive Plan is a guide to be followed. Ms. Haskamp stated it is a guide but if included in the Comprehensive Plan, the City is required to follow it and it can be an expectation by a developer looking at Brooklyn Center.

Mayor Willson noted the Metropolitan Council has the power to approve or not approve the Plan and also has control of federal government funding that may impact cities if their Plan is not approved. Ms. Haskamp stated they also have control over the sanitary sewer system, which impacts the density of development to assure that system is efficient. But, the Metropolitan Council does not dictate where those housing units have to be placed. Mayor Willson stated in the past, Brooklyn Center has been fully developed but now the City has property where it can look at that to reach that density level.

Ms. Haskamp stated the City has an amazing opportunity right now to do it right and the market is in a place it can respond. She noted the areas with planned transit, which is an amenity, and plays to areas of higher density. In addition, employment is forecast to increase with redevelopment so the City needs to plan for affordable housing. She explained a robust Mississippi River Critical Corridor Access Plan (MRCCA) is included in the Plan, which is a change from the 2030 Plan.

Ms. Haskamp read the chapter components within the 2040 Plan, noting they will be posted to the City's website. She stated some engineering components remain to be developed. Ms. Haskamp presented the background report that included key forecasts and findings for Demographics: Population; Households & Family Type; Community Diversity; and, Median Incomes & Poverty. She then displayed land use maps including the Metropolitan Council Transit Market Area and explained why it needs to be addressed.

Mayor Willson stated he thinks the Metropolitan Council does not understand the level of poverty in Brooklyn Center, which speaks to the image of the City.

Ms. Haskamp displayed maps showing areas of poverty, households with no vehicles which means they need public transit, existing bus routes, and the C Line route that is planned to open in 2019 and will be a huge opportunity as it is a dedicated bus route that will run more like light rail.

Mayor Willson commented on the unlikelihood that the Blue Line will receive funding. Ms. Haskamp agreed and urged the City to embrace the C Line as it will be operational six to seven years before the Blue Line receives funding.

Ms. Haskamp thanked the City's Commissions and all who were involved with the Plan development process. She described public engagement events and upcoming public hearing and on-line opportunities. She explained that the six-month agency review is a good time for the City to reach out to constituents to gain input. Ms. Haskamp thanked City staff for their assistance and input as well.

Ms. Haskamp described the process overview, noting tonight the consideration is to accept the draft Plan and make it available for jurisdictional review. She provided background and market context and steps taken in the Plan's development. Ms. Haskamp then reviewed the information contained within each Chapter of the Comprehensive Plan and presented next steps.

Mayor Willson referenced the housing data, noting that only 5% of the affordable housing is subsidized.

Councilmember Graves stated that is because much is naturally occurring due to the age of the structure. She asked where renewable or clean energy is addressed. Ms. Haskamp stated she has not seen a lot of Sustainability chapters in this round of updates but has seen a lot of zoning ordinances bring that into play. Those ordinances make sure it is easy to install those types of systems so it is a permitted use and encouraged. She stated the City's Local Water Surface Management Plan, which addresses ground water recharging and relationship between water bodies, is currently out for review.

Councilmember Graves asked how the Upper Harbor Terminal interacts with the Mississippi River Critical Corridor Area. Ms. Haskamp stated she has not been involved with those meetings.

Councilmember Ryan stated the document considers 238 units of affordable housing and asked if that ties the City into that number of affordable housing units. Ms. Haskamp stated when the Metropolitan Council issues the System Statement, it indicated Brooklyn Center's share of allocated affordable housing is 238 units. The Metropolitan Council cannot mandate it to be provided or its location, but the 2,250 households has to be planned at a density to accommodate 238 affordable units.

Councilmember Ryan stated the typical model is to build a certain number of market rate units at a mass so the development can subsidize a certain number of affordable housing units. Mayor Willson stated that is one way to accomplish affordable housing but it can also be designated in other areas, not necessarily new development. It was noted the Metropolitan Council wants higher density and more affordable housing in Brooklyn Center but the City is 93% affordable now.

Councilmember Ryan stated the Metropolitan Council assigned Brooklyn Center with a housing performance score of 100 so it seems the City Council would have discretion to include a certain

number of affordable housing units in a new development as long as the target housing is met. Ms. Haskamp noted when looking at 238 affordable units, it is about 10% of the 2,250 projected new households. The idea is to engage in discussion on how to incorporate legally defined affordable housing units. That is not mandated, but a tool available if important. The other philosophy is by increasing density, the more units, the more affordable they could become not only when constructed but in ten years from now.

Councilmember Graves referenced the number of projected households and question about the people who will live in them, noting the Plan needs to address who is here but also who is coming to those new units. Ms. Haskamp agreed and stated the background reports include market snapshot information. She explained that trends in the marketplace are known and there was a big shift in how people think about housing after the housing bust. Before, everyone wanted to own but after the bust, people are deciding to rent even if they could own. She stated who will come to Brooklyn Center will include young professionals, senior populations, and Millennials. Ms. Haskamp relayed input provided by children on the need for more bedrooms in rental units so perhaps that indicates there is a need for more diversity in rental housing.

Councilmember Graves asked how other communities meet their affordable housing requirement when they are constructing higher rent units. Mayor Willson stated they may build up density by including apartments with townhomes. Ms. Haskamp stated the Metropolitan Council can't require affordable housing to be built so communities will look at regulatory measures to assure there is affordable housing in new units. However, if the City does not institute that requirement, it would be up to developers who find affordable housing to be of value to provide it.

Mr. Boganey stated there has been a recent change in tax deductibility of mortgage interest, which has impact on decision making whether to acquire a mortgage. He noted the Metropolitan Council has grant dollar incentives for cities that want to construct affordable housing and he believes the answer comes down to the marketplace and values determined by elected officials, including the State legislature.

Councilmember Graves moved and Councilmember Ryan seconded to accept the draft 2040 Comprehensive Plan and approve release for public comment.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Ryan stated he would forgo his report in consideration of the late hour and upcoming Work Session.

Councilmember Lawrence-Anderson reported on her attendance and provided information on the following upcoming event:

- October 5, 2018: CEAP Farm Fresh and their next event will be on October 18, 2018.

Councilmember Graves reported on her attendance at the following:

- September 25, 2018: Safety Meeting held after the violent crime on Penn Avenue

- Final Celebration of Slow Roll, a bicycle access program
- Day of Dignity Event
- October 6, 2018: Pop Up Market

Councilmember Butler reported on her attendance at the following:

- September 28, 2018: Meeting with Mr. Boganey and staff on the BrookLynk Program
- September 29, 2018: Minnesota Autism Awareness Walk

Mayor Willson reported on his attendance at the following events:

- October 5, 2018: American Institute for International Reporting Meeting

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Ryan seconded adjournment of the City Council meeting at 9:15 p.m.

Motion passed unanimously.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
THE STATE OF MINNESOTA

WORK SESSION
OCTOBER 8, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 9:36 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Business and Workforce Development Specialist Brett Angell, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

EASTBROOK ESTATES DEVELOPMENT PROPOSALS

City Manager Curt Boganey introduced Community Development Director Meg Beekman to introduce this item.

Community Development Director Meg Beekman stated the EDA owns approximately eight acres of undeveloped contiguous land just west of Highway 252 and south of 69th Avenue N. It was acquired in 2011 after the owner failed to complete the platting and development of the Eastbrook Estates Second Addition. The EDA used \$250,000 of Tax Increment Financing (TIF) 3 pooled housing funds for the purpose of preserving it for future residential housing opportunities so if the final use is not affordable housing, then those funds will need to be paid back to that District.

Ms. Beekman used an aerial view slide to point out the location of a roadway that would need to be constructed and agreement for property owners to pay to construct that connection.

With regard to whether the City can require payment for infrastructure, City Attorney Troy Gilchrist stated the developer can be required to construct roads to access the property under development. But, the City cannot require payment to construct a connecting road several blocks away from the property under development.

Ms. Beekman stated the City has been in communication with a number of residential housing developers and several have expressed strong interest in the site. Staff has asked interested parties to submit a proposal by the end of September. Alatus, Pulte, and Centra submitted

proposals to develop the property and each includes a concept layout for the site, number of units, type of product, anticipated sale price of units, and high-level proformas that offers a land value.

Ms. Beekman noted each proposal requires the purchase of additional private property to accommodate the new housing and assumes an amount for acquisition of that property. If the additional property cannot be acquired or the actual amount is different than assumed, then the projects may need to be altered or the land value adjusted.

Ms. Beekman presented the proposals in alphabetical order. She indicated Alatus proposes 35 two-story single-family detached homes with an average sale price of \$372,000 (base) plus upgrades. The minimum lot width would be 45 feet, which would require a PUD as the lots would be more narrow than allowed in the Residential district. One unique feature is that alleyways would be constructed with rear loaded units. Alatus proposes an acquisition price of \$10,000 per unit or \$350,000 with the City providing site prep and infrastructure estimated at \$2,080,000. She displayed the site layout, noting it is similar to the Eastbrook Second Addition.

Councilmember/Commissioner Ryan asked about the location of Aldrich Street and North 5th Street. Ms. Beekman used an aerial map to note the roads that border the subject site.

Ms. Beekman displayed colored renderings of the Alatus proposed product types, accompanying floor plans, and available interior high-quality room finishes.

Ms. Beekman presented the Centra Option A proposal for 35 two-story single-family detached homes with an average sale price of \$332,500. The minimum lot width would be 50 feet for front loaded units on public streets. Centra Option A proposes an acquisition price of \$350,000, which would include the acquisition of the back half of the two privately owned single-family lots so the City's revenue will be determined by the purchase price of those two half rear lots. With the Centra Option A proposal, the two residential homes can remain as they just need the back half of those double deep lots. Centra Option A proposes no other City contribution.

Mayor/President Willson recalled the last time approached, those two single-family homeowners were not willing to sell. Ms. Beekman stated staff met with the owners and they have concerns and attachment to their property, but it is not a closed discussion and they may have interest in additional side yard so there may be opportunity for a land swap in addition to cash for the rear half of their properties.

Mayor/President Willson asked what happens if the two properties cannot be acquired. Ms. Beekman answered then the proposals would be impacted as well as the purchase prices.

Ms. Beekman displayed a slide depicting the Centra Option A proposal for a 50-foot lot concept, noting the road alignment and layout of 35 lots.

Ms. Beekman presented the Centra Option B proposal for 30 two-story single-family detached homes with an average sale price of \$347,500. The minimum lot width would be 60 feet for front loaded units on public streets. Centra Option B proposes an acquisition price of \$270,000,

which includes the acquisition of the private land and no other City contribution. She displayed the 60-foot lot concept and street alignments. Ms. Beekman noted the use of 68th Avenue N. right-of-way to be included in the area they acquire for housing, which would reduce the amount of streets and could have a positive benefit. She displayed colored pictures of the interior rooms, housing types, with accompanying floor plans including split-level homes that would be designed for young families.

Ms. Beekman presented the Pulte Homes proposal for 56 two-story single-family attached townhomes with an average sale price of \$300,000. There would be four to six units per building with front-loaded units on private streets, which allows for more efficient use of space. Pulte Homes proposes an acquisition price of \$840,000 with the City acquiring the back-half of the two private lots.

Mayor/President Willson asked if the cost to purchase the back half of two private lots would come out of the sale price for the land that Pulte Homes had offered. Ms. Beekman stated that this is correct, in addition to the repayment of \$250,000 into the TIF #3 Housing Fund, which was the original source of revenue the EDA used to acquire the land. The revenue from the sale of the land to Pulte after these expenses would be unrestricted EDA funds. Mr. Boganey clarified that in all cases, the City has to repay the \$250,000 to the TIF Housing Fund.

Ms. Beekman displayed a site plan depicting the units and street alignment with the Pulte Homes proposal.

Mayor/President Willson asked how this would impact the Highway 252 improvements. Ms. Beekman stated there would be no impact.

Ms. Beekman stated Pulte Homes has constructed this product in other metro locations. She displayed colored exterior elevations depicting the product type, noting upgrade options are offered on finishes, kitchen layouts, lower levels, bedrooms, and bath suites. There are also options to add finished lofts and an upper level terrace.

Ms. Beekman displayed a proposal comparison for each of the four options, noting in no instance can it be said what the acquisition of the private land may be so she used estimates. She noted she also included estimated costs for the City contribution and estimated after market value.

Mr. Boganey explained that Alatus is basing its proposal on what they are doing in North Minneapolis where the infrastructure (streets, sidewalks, sewer, water) already exist. In this case, Brooklyn Center has no infrastructure in that property so that is an additional cost

Mayor/President Willson noted with the Centra and Pulte Homes proposals, the City would not have infrastructure costs.

Mr. Boganey asked whether in all proposals, there would be creation of a homeowner's association. Ms. Beekman stated that is true with the proposals from Centra and Pulte Homes but she is unsure with Alatus.

Mayor/President Willson pointed out the Pulte Homes proposal would have higher density.

Ms. Beekman stated staff is seeking direction. She noted the City Council/EDA can select a proposal or if additional information is needed, staff can make that request. She stated a Work Session can also be scheduled to meet the developers or site visits can be scheduled.

Councilmember/Commissioner Ryan stated he is curious about the townhome proposal and asked if there is an issue with the quality of construction with townhomes or whether homeowner associations are not properly addressing maintenance issues. He asked also whether Pulte Homes is considered to construct a high-quality unit. Ms. Beekman explained the townhome product in Brooklyn Center is indicative of those in other areas constructed in the 1970s and 1980s, some not being of the highest quality construction as there were not good regulations in how townhome associations had to operate to assure a good capital improvement plan. But, a lot has been learned since that time. Ms. Beekman stated she has prior experience working with Pulte Homes and they build an extremely high-quality product. She stated with the regulations in place today, the City can better regulate homeowner's associations in how they operate, are funded, and cash flow.

Mr. Boganey stated he also raised the question with townhomes noting in Brooklyn Park, townhomes were constructed during that same time period and have deteriorated the same as in Brooklyn Center. But, other townhomes were constructed in the 1980s-1990s that preserve value extremely well.

Councilmember/Commissioner Graves stated support for the Centra proposal and stated she would also be interested in pursuing Pulte Homes. She does not support the Alatus proposal as it proposes rear loaded units and expects City contribution. Councilmember/Commissioner Graves stated she wished there had been more proposals. She would be interested in visiting some of their developments.

Councilmember/Commissioner Graves left the meeting at 10:17 p.m.

Mayor/President Willson asked why the City would consider paying an extra \$2 million to have the Alatus proposal move forward. He noted with the other three proposals (Centra Option A, Centra Option B, and Pulte Homes), the City would not pay anywhere near that and Pulte Homes ends up providing a good return for the City. In addition, the Comprehensive Plan calls for 2,200 new housing units and the Pulte Homes proposal has high density. He asked why the City would not consider the proposal offering higher density and cash to the City when compared to the Alatus proposal.

Mayor/President Willson stated he does not support the Alatus or Centra proposals and considering the finances, he supports the Pulte Homes proposal based on the purchase price and density it offers.

Mr. Boganey offered other factors to consider. He agreed if it is a dollar and cents decision, the answer is obvious. However, he would ask what population the City wants to attract and which of these products will attract that population. Mr. Boganey stated it is reasonable to assume the

Alatus product with the most expensive housing, by necessity, will attract a higher-income buyer. The other thing to consider is that the higher-quality product may also have longer lasting value. Mr. Boganey noted when you look at the Pulte Homes product, it is more affordable and more accessible to a broader market of buyers, which may include seniors looking at a place with no exterior maintenance. He stated the Centra proposals are more acceptable to a broader range of buyers and attractive to younger families. Mr. Boganey stated the Centra and Pulte Home proposals include homeowner associations so there is a greater likelihood of sustaining value and stability.

Mayor/President Willson noted with the Alatus proposal and \$2 million improvement cost, the City would be subsidizing \$60,000 per house.

Councilmember/Commissioner Ryan supported Centra Option A, thinking it would be a better fit with the newer houses on Aldrich Avenue. In addition, it would attract young buyers who are attracted to a contemporary market aesthetic. He stated he hadn't thought about single-family attached as he has been asked by constituents about better townhomes in Brooklyn Center and thinks single-family attached can be looked at for other areas. Councilmember/Commissioner Ryan stated he did not think a 50-foot wide lot would be an issue.

Councilmember/Commissioner Lawrence-Anderson stated she understands the higher density and money considerations but was concerned about storms in that area and asked if the townhomes would have basements. She stated she likes the idea of upgraded single-family homes and supports Centra Option A.

Councilmember/Commissioner Butler stated she does not favor Alatus due to reasons already stated. She agreed the townhomes would offer density and housing for elderly who are looking for a nicer townhome, but she more favors single-family homes to provide housing for residents who want to get out of starter homes. She supports the four-bedroom option by Centra Option A.

Mr. Boganey whether asked the City Council/EDA would like additional information, to visit the site, or interview the developers about their proposals.

Mayor/President Willson stated he firmly believes the Pulte Homes proposal should be supported for the reasons he has stated in addition to the after-market value, which is significant. However, three members have voiced support for Centra Option A.

Councilmember/Commissioner Ryan stated he would like to tour the Centra units to see the features offered and talk to the developer about specifics of the product.

Mayor/President Willson noted in all proposals, options are available so it will be difficult to see what could be included in all units. Councilmember/Commissioner Ryan agreed but stated he would like to see what they offer.

Mayor/President Willson asked if there has to be purchasers of the home before it is constructed versus constructing first and then looking for buyers. Ms. Beekman stated they do not need to

have purchase agreements in place before moving forward. She explained that once the purchase price is received by the City, the developer can begin with site preparation, construct infrastructure, and then make application for building permits to construct the units for sale.

Mayor/President Willson stated if the units are all constructed in several years, that would be great compared to a 20-year buildout. Ms. Beekman stated all proposals plan to get started as quickly as possible with home occupancy in 24-30 months. Mayor/President Willson stated his concern that it not drag on too long.

Mayor/President Willson asked Councilmembers/Commissioners to review the proposal information presented tonight and then reaffirm their preference at the next Work Session. He asked staff to schedule a tour for Councilmembers/Commissioners who would like one.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved and Councilmember/Commissioner Ryan seconded adjournment of the City Council/Economic Development Authority Work Session at 10:38 p.m.

Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees. Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

MECHANICAL CONTRACTOR

Northern Heating & A/C Inc.	9431 Alpine Drive NW
DBA Northern One Hour.	Ramsey, MN 55303
Spriggs Plumbing & Heating	3260 Fanum Road
	St. Paul, MN 55101
Topline Advertising	11775 Justen Circle #A
	Maple Grove, MN 55369

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

COUNCIL ITEM MEMORANDUM

Rental License Category Criteria Policy – Adopted by City Council 09-10-2018

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	Number of Units	Property Code Violations per Inspected Unit
Type I – 3 Year	1-2 units	0-2
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 2 but not more than 5
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 5 but not more than 9
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 9
	3+ units	Greater than 3

License Category	Number of Units	Validated Calls for Disorderly Conduct Service & Part I Crimes (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Rental Licenses for Council Approval on October 22, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
4200 Lakebreeze Ave	1 Bldg 4 Units	Initial	Todd Bertleson	5 (10.25/unit)	I	0	II	
6765 Humboldt Ave N	Single Family	Initial	Loan Nguyen	1	II	0	II	
6806 Perry Ave N	Single Family	Initial	James Archer	3	II	0		
3513 47th Ave N	1 Bldg 11 Units	Renewal	Todd Burmeister/Housing Plus	22 (2/unit)	III	0	III	IV
6305 Camden Ave N Melrose Gates Apts	6 Bldg 217 Units	Renewal	Soderberg Apartment Specialist	182 (1.64/unit)	III	10	III	III
4100 Lakebreeze Ave	1 Bldg 4 Units	Renewal	PBK Properties, LLC/Keia Isaacson (Missing ARM and cpted)	8 (2/Unit)	III	0	III	III
The Lilacs 5800 Logan Ave N	2 Bldg 22 Units	Renewal	Farnaz Toussi	52 (2.4/unit)	III	0	III	I
5328-30 Queen Ave N	Two Family	Renewal	Chad & Amy Bucher	1	I	0	I	I
4100 61st Ave N	Single Family	Renewal	Emmanuel Coker	2	I	0	I	III
4101 61st Ave N	Single Family	Renewal	Long Xiong missing 1 ARM meeting	3	II	0	III	III
2824 67th Ln N	Single Family	Renewal	Molly Collins	5	III	0	III	II
5418 70th Cir	Single Family	Renewal	Douglas Allen Wahl	4	II	0	II	II
3819 Burquest La	Single Family	Renewal	Amir Chaboki	4	II	0	II	III
6107 Emerson	Single Family	Renewal	Lydia Yeboah missing 1 ARM meeting	6	III	0	III	III
5834 Fremont Ave N	Single Family	Renewal	Robert Goldsmith	0	I	0	I	III
5843 Fremont Ave N	Single Family	Renewal	D & J Properties	7	III	0	III	I
6400 Noble Ave N	Single Family	Renewal	Zam Zam Gesaade	3	II	0	II	II

* CFS = Calls For Service for Renewal Licenses Only (Initial Licenses are not applicable to calls for service and will be listed N/A.)

** License Type Being Issued Type I = 3 Year Type II = 2 Year Type III = 1 Year

*** Initial licenses will not show a previous license type

All properties are current on City utilities and property taxes

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Resolution Authorizing Habitat for Humanity to Participate in the Hennepin County Housing and Redevelopment Authority's Affordable Housing Incentive Fund Loan

Requested Council Action:

- Motion to approve the resolution authorizing Habitat for Humanity to participate in the Hennepin County Housing and Redevelopment Authority's Affordable Housing Incentive Fund Loan

Background:

Habitat for Humanity is requested approval from the Brooklyn Center City Council to participate in Hennepin County Housing and Redevelopment Authority's Affordable Housing Incentive Fund.

Habitat for Humanity has been awarded funds to purchase 2 houses in suburban Hennepin County. Habitat for Humanity intends to purchase 6701 Drew Ave N in Brooklyn Center.

After the property is purchased, there would be updates and repairs to the property before it is sold using a Land Trust Structure. The buyers would be families earning 60% or less of the Area Median Income.

Budget Issues:

There are no budgetary considerations relating to this action.

Strategic Priorities and Values:

Resident Economic Stability

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION APPROVING THE PARTICIPATION OF THE HENNEPIN
COUNTY HOUSING AND REDEVELOPMENT AUTHORITY IN AN
AFFORDABLE HOUSING PROJECT

WHEREAS, the Hennepin County Housing and Redevelopment Authority (HCHRA) has approved the use of a \$100,000 Affordable Housing Incentive Fund (AHIF) loan for Habitat for Humanity contingent upon the Brooklyn Center City Council's consent to the HCHRA's participation in the project; and

WHEREAS, The purchase of up to 3 homes to be acquired for the Habitat for Humanity Scattered Site program, of which one or more properties may be located within the City of Brooklyn Center and the rest within suburban Hennepin County, will preserve the supply of affordable housing in the city by providing long-term affordability; and

WHEREAS, the loan from the HCHRA will complete the financing required for the project to go forward; and

WHEREAS, .

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that that the participation of the Hennepin County Housing and Redevelopment Authority in the project for the limited purpose of providing financial support to the project is hereby approved and that nothing in this resolution shall create a pecuniary obligation of the City to assist the project, nor shall the City be in any way responsible for any financing obligation or agreement of the HCHRA with respect to its provision of financial assistance to the project

October 22, 2018

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.



Jesse Anderson
Deputy Director/ HRA Specialist
City of Brooklyn Center
6301 Shingle Creek Pkwy.
Brooklyn Center, MN 55430

RE: Hennepin County Affordable Housing Incentive Fund use approval resolution

Mr. Anderson,

Twin Cities Habitat for Humanity is an affordable housing developer active in the seven-county metro area. We build and rehabilitate about 80 houses a year and then sell those houses to families earning between 30% and 80% of Area Median Income. For some projects, we seek public funding from counties and cities to support this work. This past year, we have rehabbed two privately purchased properties (6801 Emerson Ave, 6330 Kyle Ave) and are underway on one Hennepin Co HOME program funded property (5806 June Ave N) in Brooklyn Center.

Earlier this year, we were awarded Hennepin County Affordable Housing Incentive Fund (AHIF) funds for the purchase and rehab of 2 houses in suburban Hennepin County. As part of our application and approval, we committed to selling these houses to families earning 60% AMI under a Land Trust structure, with Twin Cities Habitat serving as the land trust entity, as we have done on 12 other properties in recent years and will continue to do for additional properties this year and into the future.

In order to use AHIF funds in any given city, state statute requires that we obtain a city council resolution authorizing the use of the funds. We request that the Brooklyn Center City Council review and approve the attached resolution, which was drafted by Hennepin County, authorizing the use of the funds on any rehab property that we might be able to buy.

The trigger for this request is our desire to purchase the property located at 6701 Drew Ave N. This house is a 3-bedroom house on which we intent to perform the following scope of work:

- Modest repair and maintenance on the first floor
- Maintenance and repair as needed on mechanical systems, including upgrading of fuse box
- Installation of drain tile system in basement
- Addition of egress window and creation of basement bedroom
- Addition of garage in location of existing gravel parking space



We are currently pursuing a purchase agreement on this property and will keep City staff apprised of our progress.

We appreciate your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chad Dipman", with a long horizontal flourish extending to the right.

Chad Dipman
Project Manager

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Jeremy Hulke, Fire Chief

FROM: Gary Hendrickson, Deputy Chief

SUBJECT: Resolution Adopting the Hennepin County All-Hazard Mitigation Plan

Requested Council Action:

- Motion to adopt resolution for the Hennepin County All-Hazard Mitigation Plan.

Background:

Federal legislation has historically provided funding for disaster relief, recovery, and some hazard mitigation planning. The Disaster Mitigation Act of 2000 (DMA 2000) is the latest legislation to improve this planning process (Public Law 106-390). The new legislation reinforces the importance of mitigation planning and emphasizes planning for disasters before they occur. As such, DMA 2000 establishes a pre-disaster hazard mitigation program and requirements for the national post-disaster Hazard Mitigation Grant Program (HMGP).

Section 322 of DMA 2000 specifically addresses mitigation planning at the state and local levels. It identifies requirements that allow HMGP funds to be used for planning activities, and increases the amount of HMGP funds available to states that have developed a comprehensive, enhanced mitigation plan prior to a disaster. States and communities must have an approved mitigation plan in place prior to receiving post-disaster HMGP funds. Local and tribal mitigation plans must demonstrate that their proposed mitigation measures are based on a sound planning process that accounts for the risk to and the capabilities of the individual communities.

The most recent hazard mitigation plan was adopted in 2010; the incorporated cities and Hennepin County formed an agreement which established the unification in the development of writing the plan. The Hennepin County Board of Commissioners and City Councils from each participating municipality were required to adopt the plan prior to its submittal to HSEM and FEMA for final approval.

Although this is technically an update to the 2010 plan, there have been significant changes to the risk assessment as well as the overall number of participating agencies involved in the planning process. So, while this plan is an update for many of the planning partners, it is also the initial plan for others. Therefore, it was important to establish a planning process that was consistent for all partners. The updated plan differs from the initial plan in a variety of ways:

- The Risk Assessment has been revised to reflect a significant amount of new hazards as well as updating the current hazards with data collected through the Hennepin County Regional Reference Collection.
- The vulnerability assessment does not use HAZUS-MH to estimate losses. Municipalities and County Departments bore the responsibility to identify critical infrastructure as well as estimate losses of each individual infrastructure identified.
- The update created an opportunity for the County and planning partners to engage citizens directly through social media and survey's in a coordinated approach to gauge their perception of risk and support of the concept of risk reduction through mitigation.
- The plan identifies mitigation objectives in additions to the actions and goals of the previous plan.

The identified actions meet multiple objectives that are measurable, so that each planning partner can measure the effectiveness of their mitigation actions.

- The risk assessment has been prepared to better support future grant applications by providing risk and vulnerability information that will directly support the measurement of “cost-effectiveness” required under FEMA mitigation grant programs.
- Given the extent of changes in this update, reviewers should consider this to be a new plan. When relevant, the update discusses correlations with the initial plan, especially when data or information is being carried over to the update.

This document is approximately 800 pages and the portions specific to the City of Brooklyn Center have been attached.

Budget Issues:

No budget issues.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION ADOPTING THE HENNEPIN COUNTY ALL-HAZARD
MITIGATION PLAN

WHEREAS, the City of Brooklyn Center has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Hennepin County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Hennepin County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Hennepin County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Hennepin County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Hennepin County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Brooklyn Center, Minnesota, supports the hazard mitigation planning effort and wishes to adopt the Hennepin County All-Hazard Mitigation Plan.

Date

Mayor

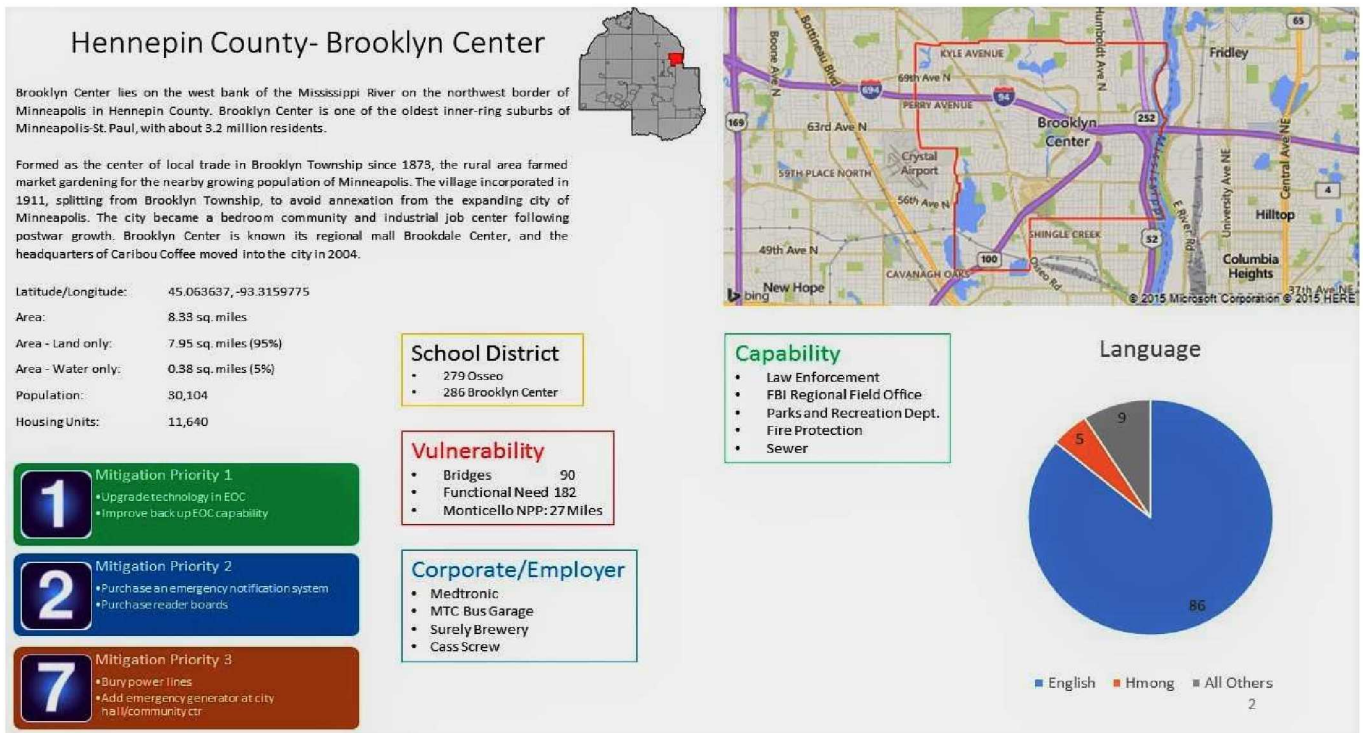
ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

3.1.2. CITY OF BROOKLYN CENTER



BROOKLYN CENTER MITIGATION PLAN

POC: GARY HENDRICKSON

A. Brooklyn Center Objectives and Actions

Goal 1	Minimize loss of life, injury, and damage to property, the economy, and the environment from natural and man-made hazards	
	OBJECTIVES	ACTIONS
1A: Preparation for Severe Weather Response		1A1: Upgrade technology within the EOC to aid in better mitigation of a natural or manmade disaster.
		1A2: Improve the capability of the communities backup EOC.

Goal 2	Increase education, outreach, and awareness	
	OBJECTIVES	ACTIONS
2A: Educate and inform the public and local businesses on how to better prepare and protect themselves from the impacts of severe weather.		2A1: Develop an Emergency Preparedness website which could educate the public and local businesses about how to prepare their homes and businesses from effects of severe weather. Due to the diversity within the community this information will need to be translated into various languages.
	2B: Notify and inform the public.	2B1: Purchase and install electronic reader boards at key critical infrastructure locations to aid in the dissemination of emergency information.

	2B2: Purchase an emergency notification system such as Everbridge to aid in the dissemination of emergency information.
--	---

Goal 3	Protect natural and cultural resources
OBJECTIVES	ACTIONS
None	

Goal 4	Identify areas of greatest impact from hazards
OBJECTIVES	ACTIONS
None	

Goal 5	Enhance hazard mitigation coordination and communication with federal, state and local governments.
OBJECTIVES	ACTIONS
None	

Goal 6	Promote disaster-resistant future development
OBJECTIVES	ACTIONS
None	

Goal 7	Build and support local capacity and commitment to become less vulnerable to hazards
OBJECTIVES	ACTIONS
7A: Bury All Overhead Power lines	7A1: Work within the community and Xcel Energy to identify all power lines which could be buried to reduce significant power failures throughout the community.
7B: Provide auxiliary power.	7B1: Install an emergency generator at City Hall/Community Center so the facility could be used as a congregate care facility.

B. Brooklyn Center Mitigation Actions

Mitigation Actions (7)	Estimated Cost	Rank	Timeline
1A1: Upgrade technology within the EOC to aid in better mitigation of a natural or manmade disaster.	\$50,000	1	Short
1A2: Improve the capability of the communities backup EOC.	\$25,000	2	Medium
2B2: Purchase an emergency notification system such as Everbridge to aid in the dissemination of emergency information.	\$50,000	3	Short
2B1: Purchase and install electronic reader boards at key critical infrastructure locations to aid in the dissemination of emergency information.	\$120,000	4	Medium
2A1: Develop an Emergency Preparedness website which could educate the public and local businesses about how to prepare their homes and businesses from effects of severe weather. Due to the	\$25,000	5	Long

diversity within the community this information will need to be translated into various languages.			
7A1: Work within the community and Xcel Energy to identify all power lines which could be buried to reduce significant power failures throughout the community.	\$1,000,000	6	Long
7B1: Install an emergency generator at City Hall/Community Center so the facility could be used as a congregate care facility.	\$60,000	7	Medium

C. Brooklyn Center Mitigation Strategies

Priority	Goal	Objective	Action Name	Description	Project Cost	Responsible Agency	Timeline
1	1	1A	1A1	City of Brooklyn Center Emergency Management, IT, and Tierney Brothers	50K	City of Brooklyn Ctr.	Short
2	1	1A	1A2	City of Brooklyn Center Emergency Management, IT, and Tierney Brothers	25K	City of Brooklyn Ctr.	Medium
3	2	2B	2B2	City of Brooklyn Center Emergency Management, IT, and Everbridge	50K	City of Brooklyn Ctr.	Short
4	2	2B	2B1	City of Brooklyn Center Emergency Management, IT, Community Activities Recreational Services (CARS) and Stewart Signs	120K	City of Brooklyn Ctr.	Medium
5	2	2A	2A1	City of Brooklyn Center Emergency Management, IT, City Communications, and ECHO	25K	City of Brooklyn Ctr.	Long
6	7	7A	7A1	City of Brooklyn Center Emergency Management, Public Works, and Xcel Energy	1M	City of Brooklyn Ctr.	Long
7	7	7B	7B1	City of Brooklyn Center Emergency Management, Public Works, Community Activities Recreational Services (CARS)	60K	City of Brooklyn Ctr.	Medium
TOTAL					\$1,330,000		

D. Brooklyn Center Mitigation Action Progress Report

Mitigation Strategies 2010 Progress Report Period	From Date: 2010	To Date: 2017
Project Title/Action	#1 Create a smoke detector program that would provide smoke detectors to the general public for free	
Responsible Agency	Brooklyn Center Fire	
Contact Name	John Polz	
Contact Phone/Email	(763)549-3639	
Project Status	☐ Project Completed ☐ Project Canceled	

	X Project on Schedule Anticipated completion date: _____ Project is delayed
Summary of Project	5 Year project with a cost estimate of \$5600.00
Name of Reviewer	

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, Public Works Director

FROM: Todd Berg, Streets/Parks Supervisor

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Project No. 2016-09, 69th Avenue Greenway and Cahlander Park Fence Replacement Improvements

Requested Council Action:

- Motion to approve the resolution accepting work performed and authorizing final payment, Project No. 2016-09, 69th Avenue Greenway and Cahlander Park Fence Replacement Improvements

Background:

The 2016 Capital Improvement Program (CIP) identified replacing the fences at Cahlander Park and along the 69th Avenue Greenway. On September 15, 2016, the City requested bids for this project, two bids were received and both were significantly above the engineer's estimates. Staff proceeded to re-bid the improvements separately with the Cahlander Park fence in 2017 and the 69th Avenue Greenway fence in 2018.

The 2017 Cahlander Park fence replacement and constructing a test section of replacement fence on 69th Avenue was completed by Fenc-Co, Inc. of Golden Valley, Minnesota.

On April 23, 2018, the City Council awarded Improvement Project 2016-09, 2018 69th Avenue Greenway Fence Replacement Improvements to Fenc-Co, Inc. of Golden Valley, Minnesota. Fenc-Co, Inc. has successfully completed the work and is requesting final payment for the project.

Budget Issues:

The 2017 Cahlander Park fence replacement and constructing a test section of replacement fence on 69th Avenue was completed with a final project budget of \$56,374.10.

The original contract amount with Fenc-Co, Inc. for the 2018 69th Avenue Greenway Fence Replacement Improvements was \$175,857.50. The total value of work certified for final payment is \$182,907.50. The total project cost including contingencies/administration/engineering/legal is \$262,478.10 and was completed 3.8 percent over budget in the amount of \$9,612.35. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities and Values:

Enhanced Community Image

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
FINAL PAYMENT, PROJECT NO. 2016-09, 69th AVENUE GREENWAY
AND CAHLANDER PARK FENCE REPLACEMENT IMPROVEMENTS

WHEREAS, pursuant to written contracts signed with the City of Brooklyn Center, Minnesota, Fenc-Co, Inc. of Golden Valley, Minnesota has completed the following improvements in accordance with said contract:

Project No. 2016-09, 2018 69th Avenue Greenway and (2017) Cahlander Park Fence Replacement Improvements

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that:

1. Final payment shall be made on Project No. 2016-09, 2018 69th Avenue Greenway and 2017 Cahlander Park Fence Replacement Improvements, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contracts shall be \$239,281.60.
2. The estimated project costs are hereby amended as follows:

COSTS	<u>As Original Award</u>	<u>As Final</u>
2017 Cahlander Fence Contract	\$ 44,511.75	\$ 45,377.60
2017 69 th Ave Test Section Contract	\$ 12,496.50	\$ 10,996.50
2018 69 th Ave Fence Contract	\$ 175,857.50	\$ 182,907.50
Engineering and Administrative	\$ 10,000.00	\$ 0.00
<u>Contingency (Fence Sealing in 2019)</u>	<u>\$ 10,000.00</u>	<u>\$ 23,196.50</u>
TOTAL	\$ 252,865.75	\$ 262,478.10

<u>REVENUES</u>	<u>As Original Award</u>	<u>As Final Bid</u>
Capital Improvements Fund	\$ 252,865.75	\$ 262,478.10

RESOLUTION NO. _____

October 22, 2018

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Accepting Work Performed and Authorizing the Release of Funds for Certain Financial Guarantees Being Held by the City (Luther Brookdale Volkswagen Dealership)

Requested Council Action:

- Motion to approve a *resolution Accepting Work Performed and Authorizing the Release of Funds for Certain Financial Guarantees Being Held by the City (Luther Brookdale Volkswagen Dealership)*.

Background:

Nearly all development projects that take place in the City require applicants to sign a Performance Agreement, which requires the deposit of a financial guarantee with the City. This guarantee is held to ensure that specific site improvements are completed in accordance with previously approved plans. Financial guarantees have typically been in the form of cash, a Letter of Credit (LOC), or the issuance of a bond in favor of the City.

Performance Agreements detail the specific improvements the financial guarantee covers, and outlines the terms under which the financial guarantee may be released or reduced by the City. Typical improvements covered under the guarantee include: site grading, landscaping, sodding/seeding, irrigation, curb and gutter, stormwater improvements, sidewalks, handicap/ADA ramps, fencing, screening, and erosion control.

These items are typically considered to be at greater risk for remaining incomplete at the time a developer seeks a Certificate of Occupancy (CO), and thus the financial guarantee assures that these items are completed and that their completion meets the prevailing minimum standards. In the event a developer defaults and the project is abandoned, the City may also use the financial guarantee to correct any hazardous or nuisance conditions or to otherwise stabilize and secure the property in order to protect the public health, safety, and welfare.

For Performance Agreements that predate 2015, City Council action is required to reduce or release the financial guarantee. Past practice has been to hold the guarantees until property owners request their release, thus the City is holding many active financial guarantees that have long since been satisfied.

Staff is seeking authorization from the City Council to release the following financial guarantee:

- Luther Brookdale Volkswagen Dealership – Planning Commission Application No. 2013-008.

This performance agreement was originally issued in the amount of \$100,000 for site improvements related to the development of a 32,100-square foot Luther Brookdale Volkswagen Dealership, located at 6801 and 6837 Brooklyn Boulevard. Approval of the building and site plan for this development included a provision that a retaining wall and fence be installed. Installation of the

retaining wall and fence, as well as the other outlined site improvements, have been deemed complete, therefore; staff is recommending that the Letter of Credit (LOC) be released in full.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Targeted Redevelopment

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. 2018-

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING
THE RELEASE OF FUNDS FOR CERTAIN FINANCIAL GUARANTEES
BEING HELD BY THE CITY (LUTHER BROOKDALE VOLKSWAGEN
DEALERSHIP)

WHEREAS, the City requires, as a condition of approval for certain planning applications, that the applicant enter into a Performance Agreement and submit a supporting financial guarantee, to be held by the City, to ensure certain site improvements are completed in accordance with the approved plans and in a timely manner; and

WHEREAS, the Performance Agreement details the specific improvements that are included, and outlines the terms under which their respective financial guarantees may be released or reduced by the City; and

WHEREAS, the City Council may release a financial guarantee upon accepting the work performed, or reduce a financial guarantee based upon the remaining amount of improvements left to complete; and

WHEREAS, the City has received a request from a representative of the Luther Company, LLLP, requesting that the financial guarantee, in the form of a Letter of Credit (LOC), be released in the full amount of \$100,000; and

WHEREAS, City staff has inspected the property, located at 6801 and 6837 Brooklyn Boulevard, and commonly known as the Luther Brookdale Volkswagen Dealership, for compliance with the associated Performance Agreement, and has determined that all required site improvements have been completed and all conditions of the Performance Agreement have been fulfilled.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brooklyn Center, Minnesota, that it hereby approves and accepts all of the work required to be undertaken in association with the approval of Planning Commission Application No. 2013-008 and City Council Resolution No. 2013-83 (*Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2013-008 Submitted by the Luther Company, LLLP Requesting Site and Building Plan Approval of the New Luther Brookdale Volkswagen Automobile Dealership Facility (6801 & 6837 Brooklyn Boulevard)*), and agrees to release the associated financial guarantee amount in full.

RESOLUTION NO. _____

October 22, 2018

Date

Tim Willson, Mayor

ATTEST: _____
Barbara Suciu, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Proclamation Declaring October 22, 2018, to be Designated as Random Acts of Kindness Day

Requested Council Action:

- Motion to approve Proclamation Declaring October 22, 2018, to be Designated as Random Acts of Kindness Day

Background:

The City of Brooklyn Center has celebrated Random Acts of Kindness since 1997. Each year the nominees are recognized by the City Council as its second meeting in October. The attached proclamation encourages residents to celebrate Random Acts of Kindness.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Enhanced Community Image

PROCLAMATION

DECLARING OCTOBER 22, 2018, TO BE DESIGNATED AS RANDOM ACTS OF KINDNESS DAY

WHEREAS, Random Acts of Kindness are the expression of our empathy and compassion for one another; and

WHEREAS, the daily acts of kindness of most of the citizens of Brooklyn Center often go unrecognized; and

WHEREAS, by recognizing these daily acts of kindness, all citizens of Brooklyn Center will become more aware of the importance of being kind to others throughout the year; and

WHEREAS, the City of Brooklyn Center celebrated the first Random Acts of Kindness in 1997, and is celebrating its 22nd Annual Random Acts of Kindness by encouraging schools, employees, and community groups to participate in Random Acts of Kindness.

NOW, THEREFORE, I, AS MAYOR OF THE CITY OF BROOKLYN CENTER, State of Minnesota, with the consent and support of the Brooklyn Center City Council, do hereby proclaim October 22, 2018, to be Random Acts of Kindness Day and urge all residents of the City of Brooklyn Center to join in celebrating and performing Random Acts of Kindness.

October 22, 2018

Date

Mayor

Council Members

ATTEST: _____

City Clerk

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Random Acts of Kindness Recognition and Certificate Ceremony

Requested Council Action:

- City Council members alternately read nominations received for Random Acts of Kindness while Mayor Willson presents the Certificate of Recognition to the nominees.

Background:

Since 1997 the City of Brooklyn Center has celebrated *Random Acts of Kindness* during the month of October. An article seeking nominations was printed in the fall 2018 edition of the resident newsletter *City Watch*, as well as in the *Brooklyn Center Sun-Post*. *Random Acts of Kindness* nomination forms were made available at the customer service counters at City Hall, a letter was sent out to community organizations. Information about *Random Acts of Kindness*, and an online nomination form was available on the City's website. Attached are copies of the 7 nominations received this year. A letter was sent to the nominees who were identified (and carbon copied to the nominator) inviting them to participate in the *Random Acts of Kindness* recognition at tonight's City Council meeting.

Those nominees attending the recognition will receive their certificates at the meeting. Those nominees who are unable to attend the meeting staff will mail the certificates.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Enhanced Community Image

Random Acts of Kindness 2018

Nominee	Nominator
Bao Cha	Khou Vang
Heidi Pendroy	Khou Vang
Stephanie Short	Khou Vang
Dr. John Goeppinger	Kazim Medhi
Anoshirvan Mazhari	Kazim Medhi
Dr. Amir Monzavi	Kazim Medhi
Hadi Medical Clinic	Kazim Medhi

Random Acts of Kindness

awarded to:

SAMPLE – Nominee's Name Here

for contributing to the community spirit of
Brooklyn Center

October 22, 2018

Tim Wilson

Mayor

Random Acts of Kindness

Presentation of Recognition and Certificate Ceremony

1. City Council read nominations received for Random Acts of Kindness
2. Certificates issued to those nominees present

City of Brooklyn Center
Random Acts of Kindness Nomination Form
A Nominator may nominate up to four (4) Nominees.



<i>Nominator</i>	
Name:	Khou Vang
Street Address:	5105 Brooklyn Blvd
City, State, Zip Code:	Brooklyn Center, MN 55429
Email:	khou.vang@nma.edu.org
Telephone:	(763) 235-4907

<i>Nominee</i>		
<i>Individual</i>	<i>OR</i>	<i>Organization or Group</i>
Individual's Name:		Name of Organization or Group:
Street Address:		Street Address:
City, State, Zip Code:		City, State, Zip Code:
Email:		Email:
Telephone:		Telephone:

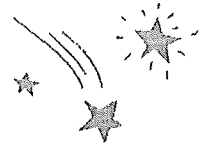
- Heidi Pendroy
 - Bas Cha
 - Stephanie Short

Brief summary of kind act – a spontaneous, selfless act towards someone or something (use additional sheets if necessary or submit separate letter)

NMA'S
 Second grade teachers coordinated a penny fundraiser and was able to raise \$425, which were donated to a charity called Charity Water. The fund went towards families in India to provide clean water to drink. This selfless act allows our scholars to engage in giving back to the world at large and make an impact in the world.

Return Nomination Form BY SEPTEMBER 20, 2018, to: City of Brooklyn Center, Random Acts of Kindness, Office of the Mayor, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

City of Brooklyn Center
Random Acts of Kindness Nomination Form
A Nominator may nominate up to four (4) Nominees.

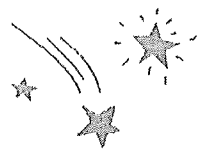


Nominator
Name: KAZIM MEHDI
Street Address: 6120 BROOKLYN BLVD
City, State, Zip Code: BROOKLYN CENTER, MN 55429.
Email: MKMEHDI@HOTMAIL.COM
Telephone: 612-978-0318

Nominee		
Individual	OR	Organization or Group
Individual's Name: DR. JOHN GOEPPINGER		Name of Organization or Group: Hadi Medical
Street Address:		Street Address:
City, State, Zip Code:		City, State, Zip Code:
Email: John@gmd@icloud.com		Email:
Telephone: 651-410-9709.		Telephone:
Brief summary of kind act – a spontaneous, selfless act towards someone or something (use additional sheets if necessary or submit separate letter) In spite of being retired from his regular medical job, he drives all the way from Redwing MN to serve Hadi Medical clinic and care for the uninsured here in Brooklyn Center. He is very passionate about providing help to the underserved & does it with lots of smile & affection.		

Return Nomination Form BY SEPTEMBER 20, 2018, to: City of Brooklyn Center, Random Acts of Kindness, Office of the Mayor, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

City of Brooklyn Center
Random Acts of Kindness Nomination Form
A Nominator may nominate up to four (4) Nominees.



Nominator	
Name:	KAZIM MEHDI
Street Address:	6120 BROOKLYN BLVD
City, State, Zip Code:	BROOKLYN CENTER, MN 55429.
Email:	MKMEHDI@HOTMAIL.COM
Telephone:	612-978-0318.

Nominee	
Individual	OR
Individual's Name:	Organization or Group
Name of Organization or Group:	HADI MEDICAL CLINIC
Street Address:	Street Address: 6120 BROOKLYN BLVD
City, State, Zip Code:	City, State, Zip Code: BROOKLYN CENTER, MN 55429
Email:	Email: HADI MEDICAL CLINIC@gmail.com
Telephone:	Telephone:

Brief summary of kind act – a spontaneous, selfless act towards someone or something (use additional sheets if necessary or submit separate letter)

We provide Free medical care to the uninsured residents of Brooklyn Center & surrounding neighborhoods & beyond. We have 12 physicians - open every Saturday - 10.30 - 1pm. - We now also have Eye care (providing optometry services) & provide nurses in training to get practical experience.

Return Nomination Form BY SEPTEMBER 20, 2018, to: City of Brooklyn Center, Random Acts of Kindness, Office of the Mayor, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

hadimedicalclinic.com.

City of Brooklyn Center
Random Acts of Kindness Nomination Form
A Nominator may nominate up to four (4) Nominees.

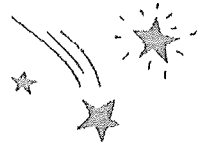


Nominator	
Name:	KAZIM MEHDI.
Street Address:	6120 BROOKLYN BLVD
City, State, Zip Code:	BROOKLYN CENTER, MN 55429.
Email:	MKMEHDI@HOTMAIL.COM
Telephone:	612-478-0318

Nominee	
Individual	OR
Organization or Group	
Individual's Name: ANOSHIRVAN MAZHARI	Name of Organization or Group:
Street Address: 1959 ALPHA ROAD	Street Address:
City, State, Zip Code: PRINCETON, MN 55371	City, State, Zip Code:
Email: 612-751-1216	Email:
Telephone: ANOSH-MAZHARI@YAHOO.COM	Telephone:
Brief summary of kind act – a spontaneous, selfless act towards someone or something (use additional sheets if necessary or submit separate letter)	
- Dr Mazhari volunteers at Hadh clinic very often. Patients love him for his kindness, empathy & passion to help - He is very easy to approach & helpful to cover & exchange shifts. He is a great asset to Hadh clinic.	

Return Nomination Form BY SEPTEMBER 20, 2018, to: City of Brooklyn Center, Random Acts of Kindness, Office of the Mayor, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

City of Brooklyn Center
Random Acts of Kindness Nomination Form
A Nominator may nominate up to four (4) Nominees.



<i>Nominator</i>	
Name:	KAZIM MEHDI
Street Address:	6120 BROOKLYN BLVD.
City, State, Zip Code:	BROOKLYN CENTER, MN 55429.
Email:	MKMEHDI@HOTMAIL.COM
Telephone:	612-978-0318

<i>Nominee</i>	
<i>Individual</i>	<i>OR</i> <i>Organization or Group</i>
Dr. AMIR MONZAVI	Name of Organization or Group:
Street Address: 1837 STINSON BLVD	Street Address:
City, State, Zip Code: NEW BRIGHTON, MN 55112	City, State, Zip Code:
Email: MONZAVIAMIR@gmail.com	Email:
Telephone: 612-483-1691	Telephone:
Brief summary of kind act – a spontaneous, selfless act towards someone or something (use additional sheets if necessary or submit separate letter) Dr Monzavi helped start up Optometry services. Free Eye check up & provision of eye glasses. He helped procure equipment for the eye clinic & spends his free time to serve the needy.	

Return Nomination Form BY SEPTEMBER 20, 2018, to: City of Brooklyn Center, Random Acts of Kindness, Office of the Mayor, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapters 1 and 19 of the City Code of Ordinances Regarding Chickens

Requested Council Action:

-Motion to open public hearing, take public comment, and close public hearing
-Motion to adopt an ordinance amendment Chapters 1 and 19 of the City Code of Ordinances creating provisions to allow the keeping of backyard chickens

Background:

On September 24, 2018 the City Council approved the 1st reading of the ordinance and called for the public hearing on the amendment to be held on October 22, 2018.

The City Council reviewed the draft ordinance proposed by the Housing Commission at the September 10, 2018 Council Work session.

At the City Council Open Forum multiple requests have been made by residents to allow chickens at residential homes. The City Council requested that the Housing Commission review and provide recommendation to the City Council.

The Housing Commission discussed the issue of backyard chickens extensively at their May, June, and July meetings. They reviewed similar ordinances from neighboring communities, as well as discussing the specific effects of an ordinance in Brooklyn Center. Supporters of the ordinance also were present at the Housing Commission meetings to answer questions of the Commissioners and to provide background information.

The following is a summary of recommendations from the Housing Commission related to the keeping of backyard chickens:

- No Roosters
- No more than 6 Hens
- Allows for a Chicken Coop
- Allows for a Chicken Run

Further, the Housing Commission did discuss the topic of whether or not to require a license or registration for backyard chickens. The Housing Commission concluded that registration or a license should not be required due to the fact that the City does not currently license other animals and the licensing would be an increased burden on city staff.

The Housing Commission recommended that Staff move forward with the ordinance based on their

discussions. The City Attorney reviewed the ordinance, which is attached.

Budget Issues:

There are no budget considerations relating to the proposed ordinance amendments.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 22 day of October, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to chickens.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 1 AND 19 OF THE CITY
CODE OF ORDINANCES REGARDING CHICKENS

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS
FOLLOWS:

Article I. Brooklyn Center City Code, Section 1-101 setting out definitions is amended as follows and by renumbering the provisions in this Section as needed:

1. Animal. Animal means dogs, cats, and chickens.

. Chicken. Chicken means a domesticated bird (Gallus gallus domesticus), typically used as a source of meat or eggs. For the purposes of Section 1-130, all references to chickens are to hens.

. Chicken Coop. Chicken coop means a structure for the keeping or housing of chickens permitted by this Chapter.

. Chicken Run. Chicken run means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.

. Hen. Hen means a female chicken.

. Rooster. Rooster means a male chicken.

Article II. Brooklyn Center City Code is amended by adding a new Section 1-130 regarding chickens as follows:

Section 1-130. CHICKENS.

1. Keeping. Up to six (6) chickens may be kept on a single-family or two-family residential property in the R1 and R2 Zoning Districts. Only hens may be kept pursuant to this Section. The keeping of one or more chickens in any other zoning district in the City is prohibited.

2. Requirements. Chickens allowed by this Section shall be kept in accordance with

all of the following:

- a. Ownership Occupancy. The owner of the chickens shall live in the dwelling on the same property as the chickens are kept. If the property is not owner-occupied, then the property owner must provide a written statement to the City granting permission for the occupants to keep chickens at the property.
 - b. Chicken Coops and Runs. Chickens shall be kept at all times in a chicken coop or chicken run that complies with the requirements of this Section.
3. Chicken Coops and Chicken Runs. Chicken coops and chicken runs shall comply with the following requirements and restrictions.
- a. The area covered by a chicken coop and a chicken run is limited to a combined total of no more than 120 square feet and shall not exceed six (6) feet in height.
 - b. Any chicken coop that exceeds 30 square feet shall be considered an accessory structure and must meet all requirements in Section 35-530 of this Code.
 - c. All applicable building, property maintenance, and zoning requirements of Chapter 35 of this Code.
 - d. All electrical work shall be done in accordance with applicable codes and any required permits shall be obtained.
 - e. A chicken coop shall:
 - 1) Be fully enclosed, wind proof, and constructed so as to prevent escape by any chickens or entrance by migratory birds;
 - 2) Be winterized to protect the chickens in cold weather; and
 - 3) Be constructed with architecturally appropriate building materials including exterior grade siding and either a metal, composite or shingled roof, or in the alternative, coop shall be purchased from a commercial source that constructs structures specifically to be used as coops for chickens.
 - f. A chicken run shall:
 - 1) Be fully enclosed with a fence that is securely constructed with mesh type material no larger than one (1) inch; and
 - 2) Be covered by protective overhead netting to keep chickens separated from other animals.

- g. Be located in accordance with all of the following:
 - 1) Entirely in the rear yard of the property;
 - 2) At least five (5) feet from side or rear lot lines and shall not be erected, altered, or moved, within six (6) feet of the principle building, as measured from exterior wall to exterior wall;
 - 3) At least thirty (30) feet from all dwellings on adjacent properties; and
 - 4) Shall not be located closer to an adjacent street than the owner's dwelling.
 - h. Shall be removed and the site restored if the keeping of chickens is discontinued for more than six (6) months.
4. Prevention of Nuisance Conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring that all of the following conditions are met.
- a. The chicken coop and chicken run shall be maintained in good repair, and in a clean and sanitary manner free of vermin and nuisance odors.
 - b. Feces and discarded feed shall be regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed of properly.
 - c. Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
 - d. Chickens shall be secured inside of a chicken coop from sunset to sunrise each day to prevent nuisance noise and attracting predators.
 - e. Chickens shall remain in either the chicken coop or chicken run at all times and shall be allowed to not run at large.
5. Prohibitions. All of the following are prohibited within the City and constitute a violation of this Code.
- a. Keeping of roosters.
 - b. Cockfighting.
 - c. Slaughter of chickens.
 - d. Raising chickens for breeding purposes.

e. Keeping of chickens over the age of four (4) weeks inside of a dwelling or garage.

f. Commercial sale of poultry or eggs produced on the property.

Article III. Brooklyn Center City Code, Section 19-104 is hereby amended as follows:

Section 19-104. LIMITATIONS ON KEEPING OF ANIMALS. It is hereby declared to be a public nuisance to permit, maintain or harbor any of the following:

1. More than two (2) dogs exceeding six months of age.
2. More than three (3) cats exceeding six months of age.
3. Any combination of more than five (5) animals exceeding six months of age.
4. Horses, cows, sheep, pigs, goats, swine, mules, llamas, or other hoofed animals, ~~chickens~~, ducks, geese, or other agricultural animal or domestic fowl.
5. Live wild animals, reptile, or fowl, of types that are not naturally tame or gentle but are of a wild nature or disposition that, because of their size, vicious nature, or other characteristics would constitute a danger to human life or property. Examples of such wild animals include, but are not limited to, bears, lions, tigers, jaguars, leopards, bobcat, cougars, cheetahs, lynx, ocelots, wolves, foxes, coyotes, dingoes, jackals, bison, panthers, apes, badgers, raccoons, ferrets, skunks, puma, rattle snakes, coral snakes, water moccasins, or cobras.
6. Any combination of animals and/or fowl of any age kept in such numbers or under conditions which unreasonably annoy, injure, or endanger the health, safety, comfort, repose or welfare of the public or of said animals or fowl.
7. Chickens, except to the extent allowed by Section 1-130 and then only in compliance with that Section.

Article IV. This Ordinance shall become effective after adoption and upon thirty (30) days following its legal publication.

Adopted this ____ day of _____, 2018.

Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

COUNCIL ITEM MEMORANDUM

DATE: 9/24/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapters 1 and 19 of the City Code of Ordinances Regarding Chickens

Requested Council Action:

- Motion to approve the first reading of the ordinance and call for a public hearing and second reading which will be held on October 22, 2018.

Background:

The Brooklyn Center City Council reviewed the draft ordinance proposed by the Housing Commission at the September 10, 2018 Council Work session. Staff were instructed to proceed with the ordinance as proposed.

At the City Council Open Forum multiple requests have been made by residents to allow chickens at residential homes. The City Council requested that the Housing Commission review and provide recommendation to the City Council.

The Housing Commission discussed the issue of backyard chickens extensively at their May, June, and July meetings. They reviewed similar ordinances from neighboring communities, as well as discussing the specific effects of an ordinance in Brooklyn Center. Supporters of the ordinance also were present at the Housing Commission meetings to answer questions of the Commissioners and to provide background information.

The following is a summary of recommendations from the Housing Commission related to the keeping of backyard chickens:

- No Roosters
- No more than 6 Hens
- Allows for a Chicken Coop
- Allows for a Chicken Run

Further, the Housing Commission did discuss the topic of whether or not to require a license or registration for backyard chickens. The Housing Commission concluded that registration or a license should not be required due to the fact that the City does not currently license other animals and the licensing would be an increased burden on city staff.

The Housing Commission recommended that Staff move forward with the ordinance based on their discussions. The City Attorney reviewed the ordinance, which is attached.

Budget Issues:

There are no budget consideration relating to the proposed ordinance amendments.

Strategic Priorities and Values:

Safe, Secure, Stable Community

MEMORANDUM - COUNCIL WORK SESSION

DATE: 9/10/2018

TO: Curt Boganey, City Manager

FROM: Jesse Anderson, Deputy Community Development Director

SUBJECT: Backyard Chicken Ordinance

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding potential modifications to the City Ordinance relating to the keeping of backyard chickens.

Background:

At the City Council Open Forum multiple requests have been made by residents to allow chickens at residential homes. The City Council requested that the Housing Commission review and provide recommendation to the City Council.

The Housing Commission discussed the issue of backyard chickens extensively at their May, June, and July meetings. They reviewed similar ordinances from neighboring communities, as well as discussing the specific effects of an ordinance in Brooklyn Center. Supporters of the ordinance also were present at the Housing Commission meetings to answer questions of the Commissioners and to provide background information.

The following is a summary of recommendations from the Housing Commission related to the keeping of backyard chickens:

- No Roosters
- No more than 6 Hens
- Allows for a Chicken Coop
- Allows for a Chicken Run

The Housing Commission recommended that the Staff move forward with drafting an ordinance based on their discussions. The City Attorney drafted an ordinance, which is attached for the City Council's review and discussion. If the Council concurs with the proposed ordinance, Staff would then bring it to Council for a First Reading and the next Council meeting.

Policy Issues:

- Does the City Council want to allow the keeping of backyard chickens in Brooklyn Center?
- If the Council wants to allow the keeping of backyard chickens, under what conditions would they be allowed?

Strategic Priorities and Values:

Safe, Secure, Stable Community

Brooklyn Center Chicken Ordinance Proposal

Presented on May 15th, 2018

By: Brooklyn Center Chicken FB Group of 80+ members

Table of Contents

Ordinance proposal		pg. 2
Advantages		pg. 3-5
Common concerns		pg. 6-10

Definitions

Chicken. A chicken (*Gallus gallus domesticus*) is a domesticated type of fowl that serves as an egg or meat source.

Clucking. The sound uttered by a hen when laying eggs, brooding, or in calling her chicks.

Crowing. The sound uttered by a rooster is the ‘singing’ of the rooster. Roosters crow for many reasons including: reacting to a disturbance, reacting to almost any kind of sound (cars, people, other roosters, other animals, etc.), guarding their territory, feeling threatened, a predator ‘trespassing’ on their territory, or just communicating with other chickens

Coop- A chicken coop or hen house is a small house where, typically, female chickens or other fowl are kept safe and secure. There are nest boxes found inside the hen houses for egg-laying, and perches on which the birds can sleep.



New Proposed Ordinance

It is proposed that chickens be removed from Section 19-104.

If the city feels chicken-keeping needs to be controlled more than is already adequately addressed by the current animal nuisance ordinance, it is proposed that an ordinance pertaining only to chickens be created.

The following ordinance pertaining to chickens is then proposed (Proposed Ordinance):

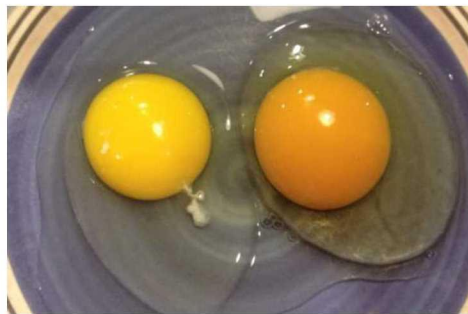
- 1. Single family homes within the City of Brooklyn Center shall be permitted to keep laying hens for pets and household (not commercial) egg gathering. Those who rent a single or two family residential property is allowed, BUT ONLY IF the property owner provides a written statement to the City, confirming the tenant may have chickens on the property.**
- 2. Roosters and slaughtering are prohibited.**
- 3. Chickens and their enclosures must not be visible from the street.**
- 4. Coops and Runs must be constructed in a workmanship manner, maintained in good repair, and kept clean and sanitary to deter vermin and objectionable odors. Coops and runs may be constructed with wood and. Or woven wire materials to allow chickens to contact the ground.**
- 6. Limit to 6 Hens per household**
- 7. Feed must be kept in a tight lid container and waste must be either composted or discarded appropriately**

It is unnecessary to require licensing of hens, just as Brooklyn Center does not require licensing of dogs, cats, or any other animals. There is also no need for setback requirements, as outdoor dogs — much more likely to jump on fences or bark loudly at neighbors, as well as produce five times the amount of excrement — are not required to be kept any distance from the property line. And as signatures of consent are not needed for neighbors to own dogs (large or small, noisy or not), it similarly does not make sense to require hen owners to acquire such consent. These types of unnecessary restrictions do not produce better animal owners and in many cases can be struck down as unconstitutional in the face of established property rights.

In the unlikely case that an animal owner is neglectful, their animals will be a nuisance (whether that be dogs, cats, chickens, etc). Since Brooklyn Center already has an animal nuisance ordinance in place, Brooklyn Center residents would remain protected.

Advantages

- **Fresh Eggs!** This is the obvious reason – you'll have a supply of fresh eggs on hand. Not to mention the convenience, as you'll have absolutely no need to get out of your pajamas and head to the store to make a fresh, healthy breakfast.
- **Organic & Non-GMO-** Caged hens are fed a diet of corn, soy and cottonseed meals ... three huge GMO crops. If you really take the old saying 'you are what you eat' to heart, then you'll be wary of eggs which come from these hens. By keeping your own, you know exactly what they're eating and can avoid feeding them engineered and antibiotic laden crops.
- **Greater Nutrition-** Free range eggs from your backyard have been shown to have a far greater nutritional value than nasty battery eggs. There is more than seven times the Vitamin A and Beta Carotene (essential for good eyesight) and almost double the Vitamin E in free range eggs. When it comes to the essential fatty acid Omega 3 (which is necessary for heart health, healthy cholesterol levels and positive mental and behavioral health) the free range variety win again with an incredible 292mg, versus a 0.033mg in store bought eggs. You'll also get less saturated fat in free range eggs



(Left is store bought right is fresh from the coop)

- **Educational Value-** Did you know chickens have a great memory and can differentiate between over 100 human or animal faces? They love to play, they dream, they mourn for each other and they feel pain and distress. They also make great mothers – they talk to their chicks while still in the egg, and turn the eggs about 50 times a day. The term 'pecking order' didn't come out of nowhere – hens have an ordered social structure based on a hierarchy. If you make room for them in your back garden, you and your family will get to learn all about these fascinating creatures up close.

- **Free Fertilizer-** Maybe free chicken manure isn't something to get too excited about, but if you're proud of your garden it can work wonders. Chicken manure is actually classed as being one of the most desirable manures due to its high nutrient level. Utilizing this is an important part of sustainable and organic agriculture. It's estimated that having between 5 and 10 chickens should produce enough fertilizer to take care of your entire vegetable garden and yard for the year. It's also great to add to your compost.
- **Pest Control-** When you get have backyard chickens, you'll have a great excuse to ditch the pesticides and chemical-laden bug killers. Your chickens will do that job for you. They eat pretty much any bug including beetles, slugs, ticks and grasshoppers.
- **Cuts down on food waste-** Nationwide, food scraps make up about 17% (29 million tons) of what is sent to landfills, and yard waste is slightly more at 33 million tons. Your chickens can help you out here too! In addition to some chicken food, they'll eat pretty much most kitchen scraps – fruit and vegetable peelings, bread, cooked beans, cooked rice, oatmeal, pasta ... and the list goes on.
- **Weed Control-** Chickens may just be the perfect sidekick for every gardener. A source of pest control and manure all in one, they also will rid your garden of those invasive weeds that pop up all over the place. As they scratch and claw the ground, they eat and disperse all those weed seeds that have blown in. Next year, you'll be amazed at your neat and tidy garden.
- **The social aspect-** Would you believe there are entire communities dedicated to raising backyard chickens? Just do a quick internet search and you'll see. It's a great way to share your newfound passion with others, to pick up some tips and tricks, and to brag about how great the new additions to your family are. It's good for real-life socializing too. Mentioning you keep chickens is a great conversation starter and I'll bet your kids' friends want to come over and check out these cool creatures.
- **Cuts down on food miles-** We've all heard of food miles – the distance over which a food item is transported from producer to consumer. Well, you can't cut down on this particular type of environmental impact much more than keeping a source of food in your own back garden. As you also clock up miles getting waste foods away from you and to the landfill, it seems these useful creatures save you miles twice when they gobble up your table scraps too!

<http://www.naturallivingideas.com/20-convincing-reasons-to-keep-backyard-chickens/>

Common Concerns

“Chickens are smelly!”

Chickens don't smell bad any more than other pets do. A properly clean chicken coop has no objectionable odors. While it's certainly true that if your chicken coop is seldom or never cleaned, it will begin to smell, the same is true of a cat box that is never cleaned, or a dog kennel that is never cleaned. There are laws against animal cruelty, animal neglect, animal abuse, and so on that apply to all pets. The bottom line is that responsible people give their pets proper care and provide them with a clean environment.

“Laying hens are loud!”

The truth is that a flock of laying hens is actually quiet, far quieter than dogs are. A hen will cackle or squawk when she lays an egg. That occurs once a day—or less, depending on the breed and age of the hen, as well as the season.

The noise level for the squawk after egg laying is up to 60 decibels at its very loudest, or about the same volume as a normal conversation between two people... and in the same range of noise volume made by an air conditioner, a washer, or a flushed toilet. That's as loud as they get. Lawn mowers and barking dogs register at around 90 -100 decibels, much louder than a few hens. And roosters can be loud, sure—about as loud as a barking dog—but roosters are not required for egg production.

The noise argument is based on basic ignorance about chickens and biology. Many uneducated people think they will hear crowing if their neighbors keep hens for eggs, because they think a rooster is required for egg production... but he's not. Human women ovulate regardless of whether a male is around or not, and so does a hen. Remember, roosters are only required if you want your hen's eggs to be fertile!



“Chickens will attract wild animals to my neighborhood!”

Presuming you keep everything clean and tidy with your pet chickens just as you would when keeping a pet cat or dog, raising chickens doesn't make rodents or other pests magically appear from thin air. While it IS true that if there are any pests already in your neighborhood, they might be attracted to chicken feed if you spill it or don't keep it secured, they would be just as attracted to spilled or unsecured cat or dog food, wild bird feed, a koi pond, or even to your family's food waste discarded in unsecured outdoor garbage cans or compost piles—and all of those probably already exist in most neighborhoods, anyway. Chicken food is no different from any other pet food in that respect. If you do have small rodents in your area, a flock of chickens can actually reduce their number, since some breeds will catch and eat small mice and moles like cats do—chickens will eat small snakes, too. Plus, they eat other pests like ticks, mosquitos, grasshoppers and the like.

“Legalizing chickens will negatively affect property values”

Not true. Take a few moments to read some old news stories about the legalization of backyard chickens, and you'll notice that no actual evidence indicating that property values drop due to backyard chickens is EVER cited. Instead, the media will report that opponents simply have a “fear” of reduced property values. It seems to me that reporters should follow that claim up with actual data... but there is none to be had (and you know the media these days). So this argument is like a bogeyman: it's not real, but is frequently employed to frighten people into a position of compliance and fear. We've heard stories about realtors who feel that the right to keep a small flock of chickens could attract people to buy. Especially those of younger families who have a desire to be more connected to their food.

Rather than driving neighbors apart, chickens are usually conversation starters, particularly unusual breeds like Polish with their huge crests, or Silkies with their fur-like feathers. And today's small flock chicken coops are boutique, high-end items designed to look pretty in the yard. Remember, neighbors who want to keep chickens are just that: your neighbors. They care about the value of their homes and the quality of life in their community just as much as opponents of backyard chickens do—maybe more. People who keep backyard chickens are often involved in many other hobbies that add value to your neighborhood, including flower or vegetable gardening, beekeeping, growing fruit trees or berry bushes and so on. Think about it: this is exactly the sort of thing that can enhance community feeling and friendship in your neighborhood. Imagine a neighborhood where your neighbors share berries, fresh eggs, zucchini and tomatoes with you... and you might “lend” a cup of sugar or share a mug of coffee. That's what good neighbors do.

That's why some of the most expensive and exclusive communities in the country allow small flocks of laying chickens. For example, New York, Portland, Chicago and Boulder—cities with some of the highest property values in the country—allow hens. If keeping chickens negatively

affected the property values of the communities that permitted them, surely the communities would be taking steps to repeal them based on this mounting evidence, right? This is not happening. Instead, in some areas with high property values, the regulations are actually becoming more permissive with regard to backyard chickens, presumably because these places have found that the quality of life has improved. For example, in 2010, Seattle went from allowing families 3 hens to allowing 8 hens, a much more reasonable number if your family eats lots of eggs, especially if you don't want to be limited to getting only the breeds with the highest egg production.

The “property value” argument is typically based on emotions and other evidence-less prejudices. There is zero evidence that legalizing pet chickens has affected property values.

“People who want to keep chickens should just move to the country!”

This is probably the most ridiculous “argument” of all, if it can even be termed an argument. In the United States, no matter where you live, you have basic rights that allow you to enjoy your own property... but that means your neighbors have the same rights to enjoy their property, as disappointing as some may find that to be. If YOU are unduly bothered by your neighbors—when their activities don't affect property values, produce foul odors, loud noise, excess waste or present other actual problems—then YOU are the one who'll need to consider moving out of town and into the country.

<https://blog.mypetchicken.com/2012/07/20/the-6-silliest-arguments-against-backyard-chickens/>

“Having Backyard Chickens increases the risk of diseases.”

Healthy birds will be active and alert with bright eyes. They will be moving around — pecking, scratching, and dusting — except on hot days when they will find shade. Chickens that are healthy and active will also talk and sing quietly throughout the day.

As far as laying and eating habits, each chicken is different, so monitor each chicken to get a feel for her normal production and consumption. Healthy droppings will be firm and grayish brown, with white urine salts.

Chickens raised in backyard settings generally stay healthy and are not easily susceptible to diseases. The easiest way to find disease in chickens is to know what a healthy bird looks like. When a chicken isn't acting normal, for instance if she doesn't run to the food as usual or she wheezes or sneezes, start investigating. The table below lists some possible causes of illness to chickens.

Infectious (invasion by another organism)

Bacteria
Mold and fungi
Parasites
Viruses

Noninfectious (nonbiological in origin)

Chemical poisoning
Hereditary defects
Nutritional deficiencies
Unknown causes

<http://www.extension.umn.edu/food/smallfarms/livestock/poultry/backyard-chicken-basics/>

Avian Influenza A Virus Infections in Humans

Although avian influenza A virus that usually does not infect people, but rare cases of human infection with these viruses have been reported. No reports of the Avian Influenza in humans have been reported in the United States. Infected birds shed avian influenza virus in their saliva, mucous and feces. Human infections with bird flu viruses can happen when enough viruses gets into a person's eyes, nose or mouth, or is inhaled. This can happen when virus is in the air (in droplets or possibly dust) and a person breathes it in, or when a person touches something that has virus on it then touches their mouth, eyes or nose. Rare human infections with some avian viruses have occurred most often after unprotected contact with infected birds or surfaces contaminated with avian influenza viruses. However, some infections have been identified where direct contact was not known to have occurred. Illness in people has ranged from mild to severe.

Bird Flu Outbreaks in Birds

Outbreaks of bird flu happen among birds from time to time. When deadly bird flu outbreaks happen in U.S. poultry, the United States Department of Agriculture (USDA) works with industry, state and other government partners to stop the outbreak so that it does not spread to other poultry. The Centers for Disease Control and Prevention works with partners to protect the public's health during these outbreaks. The risk to the public from bird flu outbreaks is low; however, because other bird flu viruses have infected people, it is possible that human infections with these viruses could occur. Risk depends on exposure. People with no contact with infected poultry or contaminated surfaces are thought to be at very low to no risk of infection. People with close or prolonged unprotected contact with infected birds or contaminated environments are thought to be at greater (though probably still low) risk of infection.

Salmonella:

Humans do not catch salmonella from chicks or chickens the way you would catch a cold from your neighbor. Salmonella is food poisoning; you get it from eating infected meat or eggs. Even then, in order to get a case of salmonella, the meat and eggs you have eaten must be improperly prepared, that is, not completely cooked through. Or, you can also get salmonella by getting your hands or something else contaminated with feces and then putting that thing in your mouth. People more at risk for contracting Salmonella are very young, very old, and pregnant or have immune systems that are already compromised in some way. The best way to keep your children and family safe from infection is by keeping your own hens whose conditions you can monitor, and by having your family members wash their hands after dealing with chickens. You want to have them wash hands after dealing with any pets, for that matter. Alcohol is an effective sanitizer for salmonella bacteria.

But when it comes to issues with Salmonella, contamination is FAR more of an issue with factory farmed birds that produce eggs for grocery stores, not with your backyard pets. This is because the conditions chickens are kept in at factory farms are simply terrible. (You can Google information about this if you have a strong stomach, but to give you an idea, some of the conditions birds are forced to endure in factory farms include having to share cages or space with—and lay eggs on—other dead and rotting birds.) Since salmonella is food poisoning, it isn't an illness that passes from person to person or hen to hen like a cold. When chickens get salmonella, it is usually the result of hens eating rat droppings or worse in their tiny, dirty spaces at commercial egg farms. Yuck.

Presuming you don't keep your hens in the same inhumane circumstances they are kept in at factory farms---that is, presuming your coop is clean and roomy and you provide fresh food and water for them at all times---it is doubtful your home flock would contract salmonella. Birds in factory farms have immune systems that are already stressed by the terrible conditions they experience every day. At home, salmonella illness in your hens is easy to prevent: keep the coop clean and your hens happy. And most importantly, be alert to sign of illness so that if there is a problem, you can take care of it. But do be aware that your hens don't have to be sick with salmonella to transmit it to you. Remember, salmonella and other bacteria can be present in small quantities the feces of animals (including dogs and cats) whether they are sick or not. So when you pick up your bird who has been walking in and pecking around poop litter, just wash your hands... the same way you'd wash your hands if your dog—who has been nibbling on canine-enticing cat poop in the yard—licks your fingers with doggy love. Use common sense.

A hen actually sick with salmonella will be immediately obvious: she will be weak, purple-combed, and have watery diarrhea as well as reduced egg production. In fact, it's hard to imagine that all those sick hens went unnoticed at those factory farms for so long. Even if workers could not manage to differentiate the symptoms of salmonella from all the other symptoms of distress that factory farmed chickens have routinely, surely they would have noticed the big drop in production. After all, even if factory farms don't care about the welfare of their birds, they DO care about production—it's what compels them to keep the birds in such terrible, dirty, cramped conditions in the first place. It's just cheaper. For that reason, it's rather terrifying to think they just kept selling their eggs when they must have been aware of a potential problem.

<https://www.mypetchicken.com/backyard-chickens/chicken-help/Is-Salmonella-a-concern-with-backyard-chickens-H19.aspx>

Thank you for your time and consideration regarding this proposal.

MINUTES OF THE PROCEEDINGS OF THE HOUSING COMMISSION OF THE
CITY OF BROOKLYN CENTER IN THE
COUNTY OF HENNEPIN AND STATE OF MINNESOTA

REGULAR SESSION
July 17, 2018
COUNCIL COMMISSION ROOM

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:00 p.m.

ROLL CALL

Chairperson – Mark Goodell - Present
David Johnson - Present
Tamika Baskin – Present
Kathie Amdahl - Present
Joan Schonning – Present
Michael Stokes – Present
Paul Oman - Present

Also present was Staff Liaison Jesse Anderson and Council Liaison Marquita Butler.

APPROVAL OF AGENDA

There was a motion by Commissioner Johnson and seconded by Commissioner Oman to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Johnson and seconded by Commissioner Oman to approve the minutes of the Housing Commission meeting on 6/19/18. The motion passed.

COMPREHENSIVE PLAN DISCUSSION:

Jennifer Haskins has been working for about a year on the comprehensive plan. Update on some of the public engagement and some of the draft material, we will focus on housing for tonight's meeting. However, the comprehensive plan includes many other elements.

DISCUSSION OF THE ATTACHED POWERPOINT:

Commissioner Goodell: Is this a re-development or new housing?

Commissioner Haskins: The Met Council predicts 2,200 new housing units by 2040. There will be some redevelopment on Brooklyn Blvd. Would include more than what is currently vacant. Can resubmit to the Met Council as to what the City predicts if we disagree with the

numbers.

Chairperson Goodell: When out delivering new neighbor bags, the Commission is seeing a lot of young families.

Commissioner Johnson: When considering the rental market, are the old non- housing units in Minneapolis that are being converted to rental being considered?

Commissioner Haskins: Yes. They look at different types of development and what type of development there is. New information that isn't on the plan shows that the Brooklyn Center housing median value has now passed the 2006 median value before the housing market crashed. Commissioner Haskin will send information to the housing commission to see if they agree with the housing goals.

Staff Liaison Anderson: I could send the information to the Commission and it could be discussed at the next meeting.

Commissioner Johnson How would this be enforced? By checking the plans?

Commissioner Haskin: Would be required to update every ten years. However, you can address things as they change. The plan can be updated at other times.

Commissioner Johnson: What does The Met Council do?

Commissioner Haskin: If approved by zoning code, Met Council would need to be updated to match the comprehensive plan.

Commissioner Amdahl: The plan is not a step by step process, it is a broad picture.

Commissioner Haskin: It is a general umbrella of different areas. Details and specifics that support it would be the zoning ordinances, policies, etc. They should all work together.

Commissioner Johnson: Is Brooklyn Center a part of a bigger plan that Met Council puts together? What is the full plan in the end?

Commissioner Haskins: Met Council has 4 regional systems: Sanitary sewer, airports, transportation & transit and regional parks. They get to tell the plans for those items. Zoning and Land use is the Cities part of the puzzle. Their plan helps tell developers what the city generally wants to see and what our vision is. This should be something the city can use to communicate as to what it wants and get good opportunities.

Chairperson Goodell: There should be a tool or guide to consider the future and make a plan; without structure it may not go well.

Commissioner Johnson: How do we see progress of the plan?

Chairperson Goodell: We should schedule a meeting for feedback.

Commissioner Haskins: Will be meeting with The Planning Commission on August 9th.

Commissioner Goodell: Feedback should be provided before the next meeting.

Staff Liaison Anderson: We will send to the Commission and provide individual feedback by August 9th. We will then discuss at next meeting.

DRAFT OF CHICKEN ORDINANCE:

Chairperson Goodell: I wasn't present, however, I have reviewed the ordinance and Commissioner Amdahl addresses that the ordinance only says "the owner of an animal". It should be added that an owner is an owner of a chicken, not just cats and dogs.

Commissioner Amdahl: Would permission be needed for keeping chickens?

Chairperson Goodell: Should synchronize working in Section 8 to coop or run instead of enclosure.

Chairperson Goodell: We should remove 7 as is conflicts with 8 e.

Commissioner Johnson: How do we know this ordinance will work? Could we make it provision for one year?

Staff Liaison Anderson: The ordinance can be adopted with a sunset date.

Commissioners Schonning, Goodell and Oman: Think we should not put a sunset on the ordinance.

Commissioner Johnson: I am not worried about responsible chicken ordinances.

Commissioner Amdahl: Some ordinances will only get enforced if there is a complaint.

Commissioner Schonning: I would rather be welcoming of the ordinance and make adjustments if necessary.

Chairperson Goodell: I feel we have done a lot of good research and we can address issues with the ordinance in the future.

Staff Liaison Anderson: The inspectors may have issues viewing the chickens in the backyard that are kept in violation of the code.

Commissioner Amdahl: I don't think there will be issues.

There was a motion by Commissioner Schonning and seconded by Commissioner Amdahl to recommend City Council consider approving the draft of the ordinance with recommended edits. All approved, Johnson abstained.

NEW NEIGHBOR PROGRAM UPDATE

Chairperson Goodell: There are 45 bags left to deliver currently have 42 bags; will need a couple more bags and labels. July 25th – Mark and Dave cannot be there. Should we keep the date or find a new one?

Commissioner Schonning: Find a better date. July 24th will be the new date, instead of the 25th, at 6:30.

COUNCIL LIAISON REPORT

Council Liaison Butler reported the following:

The work on water tower 2 has started and should be done in 90 days.
There will be a neighborhood meeting on Thursday at 6 pm in Belleview.
The Pop up market on July 7 was successful for its 1st time. The next market is scheduled for August 4th. Vendors are selling goods and it is free to Brooklyn Center residents.

Chairperson Goodell: Can an organization have a booth?

Cars are currently being parked at the opportunity site. They are leasing space during construction.

Ongoing Development Projects:

Medtronic expansion
Luther Mazda
Casey's under review
EBT under review
HOM furniture under plan review
Bank of America under construction
Instore Storage under plan review
Fairfield Inn was issued
Top Golf temp co issued.
Sprint open
Tim Horton's under construction

Commissioner Stokes: How did the pop up market happen?

Council Liaison Butler: Lenny Chism asked the council at a work session. As resident, economic development priorities, this provides an opportunity. City has helped provide funds.

Commissioner Johnson: Will it stay there, and for how long?

Council Liaison Butler: Goes through the fall and should stay there as long as it is available.

Commissioner Johnson: Terrific idea!

CHAIRPERSONS REPORT

Chairperson Goodell reported:
No update at this time.

OTHER BUSINESS

There was no other business addressed by the Commission.

ADJOURNMENT

There was a motion by Commissioner Johnson and seconded by Commissioner Oman to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 8:15 p.m.

Chairman

MINUTES OF THE PROCEEDINGS OF THE HOUSING COMMISSION OF THE
CITY OF BROOKLYN CENTER IN THE
COUNTY OF HENNEPIN AND STATE OF MINNESOTA

REGULAR SESSION
June 19, 2018
COUNCIL COMMISSION ROOM

CALL TO ORDER

The Brooklyn Center Housing Commission was called to order by Chairperson Goodell at 7:04 p.m.

ROLL CALL

Chairperson – Mark Goodell - Excused
David Johnson - Excused
Tamika Baskin – Present
Kathie Amdahl –Excused
Joan Schonning – Present
Michael Stokes – Present
Paul Oman - Present

Also present was Staff Liaison Jesse Anderson.

APPROVAL OF AGENDA

There was a motion by Commissioner Schonning and seconded by Commissioner Oman to approve the agenda as submitted. The motion passed.

APPROVAL OF MINUTES

There was a motion by Commissioner Baskin and seconded by Commissioner Oman to approve the minutes of the Housing Commission meeting on 5/15/18. The motion passed.

QUESTION OR CONCERNS RELATING TO THE KEEPING OF CHICKENS

Commissioner Johnson: How would this be enforced?
Staff Liaison Anderson: Likely by code enforcement staff.
Commissioner Johnson: Would people be able to let them run loose in the yard?
Staff Liaison Anderson: No, it would not be allowed by code.
Commissioner Johnson: I like that the code would say no roosters allowed.
Commissioner Schonning: The ordinance is very comprehensive.
Commissioner Oman: Questions on no closer to the street.
Commissioner Baskins: Why? 5 feet.
Staff Liaison Anderson: Crystal's says that.

Commissioner Johnson: Would we want to put a review date on the ordinance?

Commissioner Johnson: While at a farm, the chicken coops were fairly dirty.

Todd Henning: It is just like taking care of a dog or a cat box.

Commissioner Baskin: Does the ordinance require a fence at the property line?

Commissioner Johnson: There would be no slaughter of chickens allowed.

Mr. Henning: They are like a pet.

Staff Liaison Anderson: Do we want to require screening?

Commissioner Oman: This seems to be excessive.

Commissioner Johnson: It would be difficult to screen everyone.

Commissioner Baskin: There would be no screening.

Commissioner Schonning: Remove section on screening.

Commissioner Johnson: Are the chickens in a coop at night, and are they quiet at night?

Stacy (Resident): If you cover the chickens, and they don't see light, they will stay quiet.

Commissioner Schonning: The ordinance covers noise at night.

Commissioner Baskin: Will they attract more predators to the area? If so, would we want to consider a fence?

Staff Liaison Anderson: I will updated ordinance with changes and bring it back for final review at the next meeting.

NEW NEIGHBOR PROGRAM UPDATE

Delivery Dates: 6:30 tomorrow and the 20th and 27th.

Commissioner Oman is unable to make it.

Commissioners Schonning, Johnson, Stokes and Baskin will be there.

Commissioner Oman: It was great how the people feel welcomed by the bag.

Additional Delivery Dates: July 11th and July 25th

COUNCIL LIAISON REPORT

In the absence of the Council Liaison no report was given.

CHAIRPERSONS REPORT

Vice Chairperson Johnson: Nothing else to add

OTHER BUSINESS

There was no other business addressed by the Commission.

ADJOURNMENT

There was a motion by Commissioner Baskin and seconded by Commissioner Oman to adjourn the meeting. The motion passed. The Brooklyn Center Housing Commission adjourned at 8:30 p.m.

Chairman

Subd. 4. Pot-bellied pigs. Notwithstanding the provisions of subsection 910.39, a pot-bellied pig is considered a household pet for the purposes of section 910, subject to the conditions of this subdivision.

- a) A person may keep no more than one-pot-bellied pig, which must be kept solely for the private use and enjoyment of the person.
- b) A pot-bellied pig may be kept only by residents of single family detached dwellings.
- c) Every owner or keeper of a pot-bellied pig must obtain a license in accordance with the procedure for dogs under subsections 910.03 and 910.07, as supplemented by the provisions of this subdivision. Notwithstanding anything to the contrary in subsection 910.03, pot-bellied pigs of any age require a license. The provisions of subsection 910.09 regarding tags do not apply to pot-bellied pigs.
- d) All male pot-bellied pigs must be neutered by the age of three months, and all female pot-bellied pigs must be neutered by the age of one year. In addition to all other requirements for a license under subsection 910.07, an applicant for a pot-bellied pig license must present to the office of the city clerk a certificate executed by a licensed doctor of veterinary medicine showing that the animal has been timely neutered, or that the animal has not reached the age for required neutering by the date of application.
- e) All other provisions of section 910 of the city code relating to animals, including without limitation the provisions of subsection 910.13, apply to pot-bellied pigs. Pot-bellied pigs will be considered along with any other animals when determining whether a private kennel license is required or permitted under subsection 910.01, subdivision 5 and subsection 910.07. (Added, Ord. No. 2002-14, Sec. 2)

Subd. 4a. Chickens. No person shall keep on any single family or two family residential property more than four (4) total hen chickens. This is an addition to the maximum number of animals authorized by Section 910.01, Subd. 11.

- b) Three or More Dwelling Unit Properties. Chickens are not allowed on properties with three or more dwelling units.
- c) No Roosters. No person shall keep roosters, or adult male chickens, on any property within the city.
- d) No Cockfighting. Cockfighting is specifically prohibited within the city.
- e) No Slaughtering. The slaughter of chickens is prohibited in the city.
- f) Ownership Occupancy. The owner of the chickens shall live in the dwelling on the property. If the property is not owner-occupied, then the property owner must provide a written statement to the city confirming that the tenant may have chickens at the property.

- g) No Breeding. The raising of chickens for breeding purposes is prohibited in the city.
- h) No Chickens in Dwellings or Garages. Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.
- i) Shelter and Enclosure Requirements. Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:
 - 1) Applicable building, property maintenance and zoning requirements of Chapters 4 and 5.
 - 2) Applicable electrical work shall be done according to applicable codes and with appropriate permits.
 - 3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings but in no case closer than 5 feet to the lot line.
 - 4) Shelter and enclosure must not be located closer to an adjacent street than the owner's dwelling.
 - 5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 515.13 Subd. 7 shall be provided for the shelter and enclosure.
 - 6) A shelter shall not exceed 120 square feet in size and shall not exceed six (6) feet in height.
 - 7) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six (6) feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large.
 - 8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground.
 - 9) Constructed in a workmanship-like manner to deter rodents and predators.

- j) Prevention of Nuisance Conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:
- 1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.
 - 2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.
 - 3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
 - 4) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.
 - 5) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large.
 - 6) The shelter shall be winterized to protect the chickens in cold weather.
- k) Sale of Farm Poultry or Eggs. Owners must comply with all requirements and performance standards for home enterprises in Section 515.33 Subd. 3b and all Minnesota Department of Agriculture requirements for the sale of eggs.

(Added, Ord. No. 2013-03, Sec. 1)



Homegrown Minneapolis

Minneapolis Chicken Keeping Rules and Regulations

This web page summarizes city policy related to raising chickens. The complete list of rules and regulations are located in the [Minneapolis Code of Ordinances](#) (Title 4, Chapter 70, Section 70.10). Before applying for a permit, you are advised to read the full ordinance language.

Note: The following rules do not apply to veterinarians, licensed pet shops, or licensed kennels.

What are the permit requirements?

Notify neighbors: Anyone pursuing a permit must notify their immediate neighbors. Renters must notify their property owners who are then responsible for notifying neighbors (renters may notify neighbors in place of the property owner).

- If you are applying for more than 6 chickens, you must obtain *written consent* of at least 80% of neighbors within 100 feet of your property. Contact [Minneapolis Animal Care and Control](#) (MACC) to obtain the official form for neighbors to sign.

Provide Details: A site plan illustrating the location of the small animal coop and run (if applicable) must be reviewed by staff from the [Minneapolis Development Review](#) within the City of Minneapolis Community Planning and Economic Development (CPED) Planning Division, prior to submitting a chicken permit request. MACC is then also required to inspect the location annually or as necessary.

Pay a fee: You can apply for a one-year permit as detailed on the [MACC webpage](#).

Permit Type	Application Fee			Renewal Fee
One-Year Permit (for x hens)	1 to 6	7 to 15	16 to 30	Same as original fee
	\$25	\$50	\$75	
Rooster Permit	\$100			\$100

Note: All permits expire one year from the date they are received.

Complete required education: Fowl permit holders have one year to provide a certificate of course completion to MACC upon submission of fowl permit application. Currently eligible training providers include:

[Eggplant Urban Farm Supply](#)
[University of Minnesota Extension](#)
[Quantina Beck Jones](#)
[Rob Czernik/Powderhorn Feed](#)
[Chicken Run Rescue](#)

What are the rules?

 [Sign up for e-mail updates](#) from Homegrown Minneapolis.

Upcoming Homegrown Meetings

Wednesday, May 9, 2018
 6:00-7:30 pm Food Council meeting
 5:00-6:00 pm Group dinner preparation
 Kindred Kitchen & Breaking Bread Café
 1210 W Broadway Ave, Minneapolis
[2018 Meeting Schedule](#)

Homegrown Highlights

[Farmers Markets](#)
[Latest Homegrown Newsletter](#)
[2017 Homegrown Minneapolis Highlights](#)
[Food Council Members](#)
[Homegrown Heroes](#)

Contact

Tamara Downs Schwei
 Homegrown Minneapolis/
 Local Food Policy Coordinator
 (612) 673-3553 | [email](#)

Chicken Housing Structure must be:

- Located at least 20 feet away from neighboring residential use
- Screened from habitable buildings on neighboring property
- Constructed of materials which are durable and compatible with your house and neighboring residential properties
- Located behind your house.

Animal Runs, if used to exercise chickens, must be:

- Located at least 20 feet from neighboring residential use
- In compliance with all zoning code requirements and enclosed to ensure fowl are confined to permittee's property
- Located behind your house.
- Provide ten (10) square feet for each fowl while housed in outside run

Chicken poop and litter shall be removed often enough to prevent odors from emitting over property lines. The waste can be double bagged and thrown away or composted on site if the compost is used on site. Chicken poop and litter may not be placed in City-provided organics recycling carts. ([per State Compost Rules](#))

Live slaughter is prohibited.

Keeping Chickens for commercial uses have different requirements. No person, business, or entity shall maintain or cause to be maintained any commercial business related to the keeping of fowl on residential property unless otherwise permitted by the City of Minneapolis. If so permitted, commercial coops must:

- Maintain and comply with any applicable business license, health department permit, zoning permit, and permit issued by the MACC.
- Be limited to thirty (30) fowl of any kind with at least four (4) square feet provided for each fowl housed inside the physical coop and ten (10) square feet for each fowl while housed in outside run.
- Be maintained in such a manner as to prevent a public nuisance and provide adequate care and safeguards for the chickens.
- Be kept in good repair, maintained in a clean and in a sanitary condition, and free of any vermin, obnoxious smells, and substances.

Note: MACC may refuse to grant a permit for failure to comply with criteria. MACC has the right to keep any fees paid by the applicant.

For further information or to apply for a permit, please contact Teila Zoller at Minneapolis Animal Care and Control:

Phone: 612-673-6246

Email: teila.zoller@minneapolismn.gov

Additional Resources

[Backyard Chicken Basics](#) (University of Minnesota Extension)

[Twin Cities Chicken Coop Tour](#)

[Twin Cities Chicken Listserve](#)

Last updated Dec 14, 2017

QUICK LINKS

[Home](#)

Small Farms

Backyard chicken basics

Betsy Wieland and Nora Nolden

As people are becoming more and more interested in knowing where their food comes from, the trend of raising backyard chickens is growing. Raising backyard chickens can be a rewarding experience and a great way to teach kids about nature, agriculture, and responsibility of caring for animals. Since most backyard chickens are raised for laying and not for meat, this fact sheet will focus on layers.

Breeds

There is a wide a variety of chicken breeds, developed for egg production, meat production, and/or good looks. While many breeds are adaptable to a backyard setting, certain breeds are better than others for backyard conditions. Medium to large breeds are good for cold winters. A mellow temperament and good egg laying are also pluses. If you see reference to a bantam bird, that is a small version of any particular breed. It will look the same, but be smaller. Here are a few examples of great, mellow breeds for the backyard.



New Hampshire Red and Buff Orpington hens

Popular backyard chicken breeds

Rhode Island Red

- Hens weigh about 6.5 lb
- Lay brown eggs
- Dark red feathers
- Dual purpose breed, but most often used for laying
- Hardy breed that does well in small flocks

Wyandotte

- Hens weight about 6.5 lb
- Lay brown eggs
- Dual purpose breed
- Great for small flocks and rugged conditions
- “Curvy” shape, good disposition
- Many color varieties

Ameraucana

- Many different color varieties
- Lay green eggs
- Great long-term egg production
- Dual purpose breed
- Tolerant to all climates
- Easy to handle

Orpington

- Hens weigh about 8 lb
- A larger dual purpose breed
- Lay brown eggs
- Many color varieties
- Heavy size is ideal for cold weather

Diet

Chickens are omnivores. They eat grains, fruits, and vegetables as well as insects. Chickens should typically be fed a prepared feed that is balanced for vitamins, minerals, and protein. A healthy laying hen diet should also contain crushed oyster shell for egg production, and grit for digestion. A 6-pound hen will eat roughly 3 pounds of feed each week.

They love fruit and vegetable scraps from the kitchen and garden, as well as bread. Scratch-cracked corn and oats are a nice treat for the chickens that does not supply all their nutritional needs, but is fine in moderation.

Feed consumption may increase in the winter when burning more calories, and decrease in the heat of the summer. A critical part of a chicken's diet is continual access to clean, fresh water. This is especially true in the summer as they cool themselves by panting.



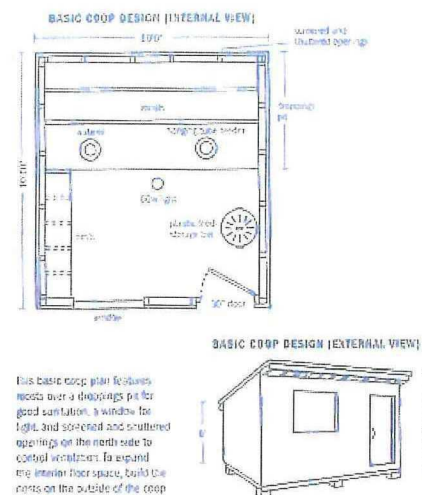
Quality feed and clean water will help keep birds healthy and productive.

Housing

A quality coop is essential to backyard chicken production. Layers need nest boxes — one per 4-5 birds. Chickens are descended from jungle birds, which means they like to be up high, so a place for them to roost is important. Coops must provide protection from the weather and predators. There should be a well-insulated area with a light bulb or heat lamp for the winter months as well as ventilation for fresh air.

Be sure to have a minimum 3-5 square feet per bird, including outdoor space.

Their main predators are raccoons, rats, owls, hawks, and cats. An enclosed space for them to stay at night is essential to their protection. Ensure that the coop is free of small holes for predators to sneak in. There is an endless variety of coop designs with just as much range in cost. Find a design that provides easy access and otherwise suits your situation. There are many books and websites with coop designs. The image at right shows a simple chicken coop schematic. The space should be free of unnecessary objects like woodpiles or equipment, as they attract predators.



Click to enlarge. Simple coop design for up to 16 hens from *Storey's Guide to Raising Chickens*

Daily care

Chickens need to be fed and water changed daily. They need to be let out of the coop each morning and put into the coop at dusk each night to protect them from predators. Eggs should be picked up twice a day. The coop and pen should be cleaned out weekly to maintain sanitation and odor control.

Bird health

Healthy birds will be active and alert with bright eyes. They will be moving around — pecking, scratching, and dusting — except on hot days when they will find shade. Chickens that are healthy and active will also talk and sing quietly throughout the day.

As far as laying and eating habits, each chicken is different, so monitor each chicken to get a feel for her normal production and consumption. Healthy droppings will be firm and grayish brown, with white urine salts. Roughly every tenth dropping is somewhat foamy, smellier than usual, and light brown.

Chickens raised in backyard settings generally stay healthy and are not easily susceptible to diseases. The easiest way to find disease in chickens is to know what a healthy bird looks like. When a chicken isn't acting normal, for instance if she doesn't run to the food as usual or she wheezes or sneezes, start investigating. The table below lists some possible causes of illness to chickens.

Infectious (invasion by another organism)

Bacteria
Mold and fungi
Parasites
Viruses

Noninfectious (nonbiological in origin)

Chemical poisoning
Hereditary defects
Nutritional deficiencies
Unknown causes

Credit: *Storey's Guide to Raising Chickens* by Gail Damerow

Sanitation

An important element to bird health is sanitation. In order to maintain a clean, healthy environment, the coop and outdoor area should be cleaned out weekly or as needed to control manure and odor build up. Feeders and waterers should be regularly cleaned and disinfected. Dust baths should be available, as they help control mites. It is important that at least once a year, usually in the spring, a thorough cleaning is done on the coop and yard. Also cleaning before introducing new birds to the area will limit the spread of disease. A fall cleaning is also helpful with mite control over winter.

During this cleaning, safety precautions must be taken in dealing with dust. Wear a dust mask and mist the walls surrounding the area to control dust movement. Inhalation of dried chicken manure can be harmful to humans. Rake and clean out the yard. All feeders should be removed and bedding completely cleared out. It is important to remove dust and cobwebs from corners of the coop. The inside of the coop needs to be disinfected — including troughs, perches and nests. To disinfect, use one-tablespoon chlorine bleach to one gallon boiling water.

Manure management

Chicken manure is made up of feed residue, intestinal bacteria, digestive juices, mineral by-products from metabolic processes, and water. In fact, 85% of chicken droppings, by weight, is water. This leads to issues with humidity and odor. So what are the options for managing manure?

One option is to complete thorough cleanings of the coop more than once a year. This will control the odor and fly populations.

Another option is to pasture the chickens. Moveable shelters are a valuable tool for pasturing chickens and reducing cleaning time. Simply move the location of the house when manure begins to build up. It offers new space for chickens to graze and peck, and free fertilizer for the lawn!

A third option is composting. Composting can be done right in the chickens' bedding. To start this process, lay down about 4 inches of bedding. Regularly stir up the bedding to prevent clumping, and add fresh bedding until it is 10 inches deep by winter.

Continue this process until the bedding gets 12 to 15 inches deep. At this depth, composting actively begins and after 6 months can kill harmful bacteria. This composting releases heat, which keeps chickens warm in cooler months and attracts natural fly predators. To maintain the compost, it must be stirred regularly to prevent crusting. The same process can be done outside of the coop in a separate bin.

Egg production

Hens begin laying at around six months of age and can continue for 5-10 years, with peak production occurring in the first 2 years. They will lay roughly 6 eggs each week. Egg production drops each year when the hens molt (replace their feathers in the early fall) and as daylight hours are lost. Hens need at least 12-14 hours of light each day to continue laying eggs. A regular light bulb is sufficient to supply this light.

Regulations

There are several regulations that you may encounter with chicken ownership. Raising chickens in the backyard may require a permit from your city, and each has different requirements and restrictions. It is not legal in some cities to keep poultry. Some cities may also limit the number of animals you can keep.

If you begin selling eggs or meat, you will encounter additional regulations. The Minnesota Department of Agriculture Dairy and Food Inspection Division manages and enforces these. Contact them for information regarding these rules at 651-201-6027.

Purchasing birds

There are several places to purchase chickens. The list below has major chicken hatcheries and links to their websites. There are also many individuals breeding and selling poultry. Local farm supply stores may also order them for you.

Major chicken hatcheries:

- [Murray McMurray's](#)
- [Stromberg's](#)
- [Hoover's Hatchery](#)

Additional information

Online resources

- [University of Minnesota Extension Small Farms program](#)
- [BackyardChickens.com](#)
- [Poultry resources](#) — *Oklahoma State University*
- [Small flock information](#) — *University of Arkansas Extension*

Publications

- *Storey's Guide to Raising Chickens* by Gail Damerow
- *American Standard of Perfection* by American Poultry Association

Questions or comments?

Contact an Extension educator [here](#).

UNIVERSITY OF MINNESOTA
EXTENSION

© 2018 Regents of the University of Minnesota. All rights reserved.

The University of Minnesota is an equal opportunity educator and employer.



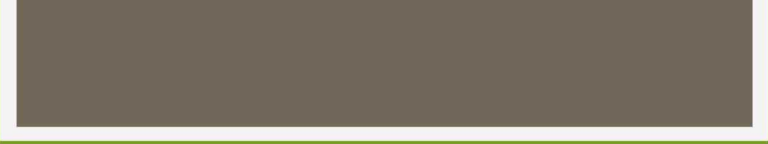
Backyard Chicken Ordinance

Presented by: Jesse Anderson,
Deputy Director of Community
Development



Background

- At the City Council Open Forum multiple requests have been made by residents to allow chickens at residential homes.
- The Housing Commission reviewed and provides a recommendation to the City Council.
- The Housing Commission discussed the issue of backyard chickens extensively at their May, June, and July meetings.
 - They reviewed similar ordinances from neighboring communities, as well as discussing the specific effects of an ordinance in Brooklyn Center.
 - Supporters of the ordinance also were present at the Housing Commission meetings to answer questions of the Commissioners and to provide background information.



Proposed Ordinance Overview

- No Roosters
- No more than 6 Hens
- Requires a Coop and Run
- Only permitted in R1 and R2 districts
- The Run and Coop cannot exceed 120 square feet and 6 feet in height

Chicken Coop Requirements

- Fully enclosed and keeps the Chickens in and migratory birds out.
- Must be winterized
- Architecturally appropriate building materials
- Coops that exceed 30 square feet count as an accessory building



Chicken Run Requirements

- Fully Enclosed
- Included overhead netting
- In rear yard
- 5 feet from lot lines
- 30ft from adjacent dwellings





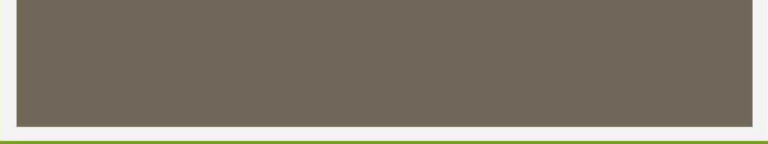
Other Requirements

- Must be in good repair
- Nuisance odors must be prevented
- Feed must be stored in a leak proof container
- Chickens must be secured inside coop at night
- Chickens cannot run at large
- No slaughter, fighting, breeding of chickens
- No Commercial sale of eggs
- Rental properties will required written permission form property owner.



Enforcement

- In 2018, there were 9 code cases relating to chickens 5 were confirmed.
- The biggest challenge currently and with the new ordinance will be access to view the backyard of a property.
 - Code Enforcement staff cannot look over fences, unless we can see over in plan site
 - Inspectors cannot go in backyards without permission or an administrative warrant.

- 
- The Housing Commission recommended the city council consider the draft ordinance
 - The City Attorney reviewed the ordinance.
 - If the Council concurs with the proposed ordinance, Staff would then bring it to Council for a First Reading.
 - Questions?

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Consideration of Type IV 6-Month Provisional Rental License

Requested Council Action:

- Motion to approve a resolution for a Type IV - 6 Month Rental License for 6919 France Ave N

Background:

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

COUNCIL ITEM MEMORANDUM

DATE: October 22, 2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing and Community Standards Supervisor

SUBJECT: Type IV 6-Month Provisional Rental License for 6919 France Ave N

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 6919 France Ave N. The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for a renewal rental license. This is a single family property. The previous license was a Type IV Rental License issued on April 9, 2018, on condition of adherence to the Mitigation Plan and City Ordinances.

The requirements of the Mitigation Plan were met for the previous license. However, the property qualifies for a Type IV Rental License based on nine (9) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Therefore, according to City Ordinance, based on the number of property code violations, the license category remains a Type IV.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental License to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

Current rental license approval activities for license that expires 11/30/2018

COUNCIL ITEM MEMORANDUM

- 03-16-2018 The owner, Benjamin Hermantin, applied for renewal of the rental dwelling license for 6919 France Ave N, a single family dwelling.
- 04-03-2018 An initial rental license inspection was conducted and failed. Nine property code violations were cited, see attached rental criteria.
- 05-15-2018 A second rental license inspection was conducted and failed. A \$100 re-inspection fee was charged to the property.
- 05-22-2018 The \$100 re-inspection fee was paid.
- 05-29-2018 A third rental license inspection was conducted and failed. A \$100 re-inspection fee was charged to the property.
- 05-31-2018 The previous Type IV Rental License expired.
- 06-13-2018 The \$100 re-inspection fee was paid.
- 07-13-2018 A fourth rental license inspection was conducted and failed. A \$100 re-inspection fee was charged to the property.
- 07-16-2018 The \$100 re-inspection fee was paid.
- 08-10-2018 A fifth inspection was conducted and passed.
- 08-24-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 08-24-2018 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
- 09-13-2018 A second letter was sent to the owner notifying of qualification for Type IV 6-month provisional rental license, including additional requirements to obtain a rental license. i.e. submit mitigation plan, completion of Phases I, II and III of Crime Free Housing Program, etc.
- 09-28-2018 A Mitigation Plan was submitted.
- 10-15-2018 A letter was sent to the owner notifying that the hearing before the Council will be held October 22, 2018

Prior Type IV Rental License approval activities for license that expired on 05/31/2018:

- 09-06-2017 The Owner, Benjamin Hermantin, applied for renewal of the rental dwelling license for 6919 France Ave N, a single family dwelling.
- 09-22-2017 An initial rental license inspection was conducted and failed. 11 property code violations were cited, see attached rental criteria.
- 11-13-2017 A second rental inspection was conducted and failed. A \$100 reinspection fee charged.
- 11-22-2017 The \$100 reinspection fee was paid.
- 11-28-2017 A third rental inspection was conducted and passed.
- 11-30-2017 The previous rental license expired.
- 12-05-2017 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
- 12-05-2017 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 12-15-2017 A Mitigation Plan was submitted.

COUNCIL ITEM MEMORANDUM

- 12-26-2017 A second letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
- 02-13-2018 The Mitigation Plan was finalized.
- 03-30-2018 A letter was sent to the owner notifying that the hearing before the Council will be held April 9, 2018.

If approved, after six months, a new rental license is required. The license process will begin immediately. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Excerpt from Chapter 12 of City Code of Ordinances:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Council review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program.
4. Council Consideration. The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider, among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan

COUNCIL ITEM MEMORANDUM

submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or modified by the Council. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

COUNCIL ITEM MEMORANDUM

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	Number of Units	Property Code Violations per Inspected Unit
Type I – 3 Year	1-2 units	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	Number of Units	Validated Calls for Disorderly Conduct Service & Part I Crimes (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1

COUNCIL ITEM MEMORANDUM

	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Budget Issues:

There are no budget issues to consider.

Strategic Priorities:

- Safe, Secure, Stable Community

Attachment

- Mitigation Plan
- Resolution Approving a Type IV Rental License for 6919 France Ave



SEP 28 REC'D

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ Action Plan—Type III (1 Year)☒ Mitigation Plan—Type IV (6 Months)

Property Address:

6919 France Ave N
Brooklyn Center, MN 55429

Owner's Name(s):

Benjamin & Karlene
Hermantin

Local Agent:

BuyRentSell.com, LLC
Scott Haubrich

Owner's Address:

8819 Village Hills Drive
Spring, TX 77379

Agent Address:

4423 Nicollet Ave
Minneapolis, MN 55419

Owner's Phone:

763-639-8575

Agent's Phone:

612-345-8991

Owner's Email:

khermantin@hotmail.com

Agent's Email:

office@buyrentsell.com

Current Expiration Date:

5.31.18 LB

Pending Expiration Date:

11.30.18 LB

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property is required to submit an Action (Type III) or Mitigation Plan (Type IV). In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.



6919 France Ave N
Brooklyn Center, MN 55429

Sections A—Crime Free Housing Program Requirements

Phase I - Read and check each box.

- ☒ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**
- ☒ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.
- ☒ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.
- ☒ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**
- ☒ Crime Free Housing training is completed
- ☐ Crime Free Housing training is scheduled for 2/20/2013
Date
- ☐ Owner or agent plans to attend training at : _____
Name of City
- ☐ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

- ☒ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.
- ☐ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.
- ☐ Security Assessment is completed
- ☐ Security Assessment is scheduled for _____
Unknown if needed left voicemail



6919 France Ave N
Brooklyn Center, MN 55429

Community Development

Sections A—Crime Free Housing Program Requirements (continued)

Phase III - A.R.M Meeting Requirement

- VB ☒ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. The A.R.M. meetings must be completed within the rental license period and before the License expiration date.
- VB ☒ 2) Registration is not required to attend, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.
- VB ☒ 3) Write two months the owner or agent plans to attend.
Owner or agent will attend A.R.M. meetings scheduled for: _____ and _____

The following actions are required for Multi-Family properties with four (4) or more units.

- ☐ 1) Conduct resident training annually to include crime prevention techniques.
- ☐ 2) Conduct regular resident meetings.



Community Development

6919 France Ave N
Brooklyn Center, MN 55429

Sections B—Long Term Capital Improvement Plan

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
<i>Example: Water Heater</i>	<i>May 2010</i>	<i>F</i>	<i>May 2020</i>

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	Sep 2004	G	2038
Water Heater	May 2018	G	2038
Kitchen Appliances		G	2023
Laundry Appliances		G	2023
Smoke Alarms/ Carbon Monoxide Alarms	Sep 2016	G	2023
<u>Exterior Items</u>			
Paint/Siding	June 2003	G	2040
Windows	Nov 2008	G	2040
Roof	May 2001	G	2040
Garage	Same as house	G	2075
Driveway	July 1995	G	2060
Fence	June 1999	G	2035
Sidewalks	July 1995	G	2060
Shed	June 2003	G	2050

*Condition Abbreviations: New=N Good=G Fair=F Needs Replacement=R



Community Development

6919 France Ave N
Brooklyn Center, MN 55429

Sections C—Steps to Improve Management and Conditions of Property

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- ☒ 1) Check-in with tenants every 30-days.
- ☒ 2) Drive by property to check for possible code violations.
- ☒ 3) Evict tenants in violation of the lease or any addendums.
- ☒ 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- ☒ 5) Have no repeat code violations previously documented with the past year.
- ☒ 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- ☐ 7) Other: _____

The following actions are optional unless required by the City.

- ☐ 1) Provide lawn/snow service.
- ☐ 2) Provide garbage service.
- ☐ 3) Install security system.
- ☐ 4) Provide maintenance service plan for appliances.
Name of service company: _____
- ☐ 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.



6919 France Ave N
Brooklyn Center, MN 55429

Community Development

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Scott Haubrich

Owner or Agent Name and Title (Please Print)


Owner or Agent Signature

9/28/18
Date

Additional Owner or Agent Name and Title (if Applicable, Please Print)

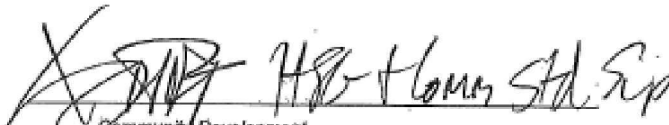
Additional Owner or Agent Signature (if Applicable)

Date

City Staff Only


Police Department

10/8/18
Date


Community Development

10/16/18
Date

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING A TYPE IV RENTAL LICENSE FOR 6919 FRANCE AVE N

WHEREAS, City Ordinance Sections 12-900 to 12-916 set forth requirements for licensed rental properties; and

WHEREAS, the property located at 6919 France Ave N, was issued a Type IV Rental License on April 9, 2018; and

WHEREAS, the property qualifies for a Type IV Rental License based on the number of property code violations (9) and validated police nuisance incidents (zero); and

WHEREAS, City Ordinance Section 12-901.2 requires a property owner who receives a Type IV Rental License to complete Phase I, II and III of the Crime Free Housing Program; and

WHEREAS, City Ordinance Section 12-914.3.c establishes the requirement for Phase II of the Crime Free Housing Program including attendance at a minimum of 50 percent of Owners/Managers Association Meetings and complete security improvements; and City Ordinance Section 12-913 requires submittal of monthly updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that a TYPE IV Rental License is hereby approved for the property at 6919 France Ave N, Brooklyn Center, MN.

October 22, 2018

Date

Mayor

ATTEST: _____

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: An Ordinance Amending Chapters 19 and 27 of the City Code Regarding Parking

Requested Council Action:

- Motion to approve the first reading of an ordinance amending Chapters 19 and 27 of the City Code regarding parking, and call for a second reading and public hearing for November 13, 2018

Background:

The City has received several complaints regarding the storage and/or overnight parking of semi-trucks and other commercial vehicles in parking lots throughout the City. Specifically, the City has received complaints regarding trucks parked for extended periods of time on the Walmart and Sears parking lots. Though other complaints have been received for other properties as well.

Additionally, the City has had problems with inoperable vehicles being parking in EDA-owned parking lots in the City. The process to ticket, and in some cases, tow these vehicles is not clearly laid out in the Code.

The current ordinance clearly prohibits the storage and/or overnight parking of commercial vehicles and inoperable vehicles on residential property; however, is less clear when it comes to handling such issues on commercial property or publicly-owned property.

There is a provision in the code that allows the City Manager to write an order related to parking restrictions, which is the mechanism Staff has been using to enforce the prohibition of this activity. The City Attorney has advised Staff that an amendment to the ordinance would be preferred.

Code enforcement staff have been proactively monitoring the Walmart and Sears properties. In instances where commercial vehicles, that otherwise are not there for legitimate business purposes, are parked or stored overnight, staff has informed drivers that they need to vacate the premises. This has been effective and the rate of illegitimate commercial vehicles on these lots has decreased dramatically.

In addition the EDA-owned lot next to Topgolf experienced a significant amount of overnight parking, many of these vehicles were inoperable. The presence of the vehicles also contributed to a significant amount of litter and debris located in the lot. Staff, acting under a written order from the City Manager, posted the lot no parking overnight. This too has been successful at deterring overnight parking/storage of vehicles in the lot.

The purpose of the amendment before the Council this evening is to clean up language in the ordinance that makes it easier and clearer to enforce no parking restrictions in commercial areas and on publicly-owned property. The ordinance does *not* prohibit the parking of vehicles on publicly owned lots, but rather allows the City Manager to establish parking restrictions on property owned by the City or the EDA. Currently the City's practice is to allow vehicles to be parked on EDA-owned parking lots during the day provided they are parked

on an improved hard surface. The issue that the City has experienced is vehicles being stored for several days on EDA-owned lots, some of which have been found to be inoperable, and the current ordinance does not create a clear method for dealing with this problem.

Because the amendment is relatively minor, Staff is asking the Council to consider it as a first reading this evening, rather than at a work session first as would typically be the process. If the Council wants to review the amendment further, it would not need to approve the first reading this evening, but could table it to a future meeting if needed.

Strategic Priorities and Values:

Safe, Secure, Stable Community

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to parking.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 19 AND 27 OF THE Brooklyn Center
CITY CODE REGARDING PARKING

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Chapter 19, Section 19-103 is amended as follows:

Section 19-103. PUBLIC NUISANCES FURTHER DEFINED. It is hereby declared to be a public nuisance to permit, maintain, or harbor any of the following:

1. Diseased animals, fish or fowl, wild or domestic, whether confined or running at large.
2. Carcasses of animals, fish or fowl, wild or domestic, not buried or destroyed within 24 hours after death.
3. Garbage not stored in rodent free and fly-tight containers, or; garbage stored so as to emit foul and disagreeable odors, or; garbage stored so as to constitute a hazard to public health.
4. Accumulations of rubbish as defined herein.
5. The dumping of any effluent, garbage, rubbish, wastewater, or other noxious substance upon public or private property.
6. Any open well, pit, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.
7. The pollution of any public or private well or cistern, any public stream, lake, canal, or body of water by effluent, garbage, rubbish or other noxious substance.
8. Any noxious weeds, or any other vegetation which endangers public health, safety or welfare, or which is contraband within the meaning of state or federal laws.
9. The emitting or production of dense smoke, foul odor, noise, noxious fumes, gases, soot, cinders or sparks in quantities which unreasonably annoy, injure, or

endanger the safety, health, morals, comfort, or repose of any number of members of the public.

10. The public exposure of persons having a contagious disease or condition which endangers public health, safety or welfare.
11. Accumulation of junk, disused furniture, appliances, machinery, automobiles and parts thereof or any matter which may become a harborage for rats, snakes or vermin, which creates a visual blight, or which may be conducive to fire, or which endangers the comfort, repose, health, safety or welfare of the public.
12. The parking and/or storage of construction equipment, farm vehicles and equipment, or a commercial vehicle with a length greater than 21 feet, or a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds, continuously for more than two hours on any property within a residential zoning district or being lawfully used for residential purposes or on any public street adjacent to such properties. Such equipment and vehicles shall include, but are not limited to, the following: dump trucks, construction trailers, back hoes, front- end loaders, bobcats, well drilling equipment, farm trucks, combines, thrashers, tractors, tow trucks, truck-tractors, step vans, cube vans and the like.

The prohibitions of this subdivision shall not apply to the following:

- a) Any equipment or vehicle described above being used by a public utility, governmental agency, construction company, moving company or similar company which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.
- b) Any equipment or vehicle described above which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the time reasonably necessary to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.
- c) Any equipment or vehicle exceeding the above described length, height or weight limitations, but which is classified as recreation equipment as specified in Minnesota Statutes 168.011, Subdivision 25.
- d) Any equipment or vehicle described above which is parked or stored on property zoned residential and being lawfully used as a church, school, cemetery, golf course, park, playground or publicly owned structure provided the equipment or vehicle is used by said use in the conduct of its normal affairs.
- e) Any equipment or vehicle described above which is parked or stored on property which is zoned residential and the principal use is nonconforming within the meaning of Section 35-111 of the City Ordinances, provided

such parking or storage is not increased or expanded after the effective date of this ordinance.

13. The outside parking and/or storage on vacant property of usable or unusable vehicles, trailers, watercraft, snowmobiles, recreational vehicles, all-terrain vehicles, construction vehicles and equipment, or similar vehicles, materials, supplies, equipment, ice fish houses, skateboard ramps, play houses or other nonpermanent structures except as may be permitted by the Zoning or Sign Ordinances.
14. The outside parking and/or storage on occupied residentially used property of usable or nonusable vehicles, trailers, watercraft, snowmobiles, recreational vehicles, all terrain vehicles and similar vehicles, materials, supplies, equipment, ice fish houses, skateboard ramps, or other nonpermanent structures unless they comply with the following:
 - a) Vehicles, trailers and watercraft may be parked or stored outside in any yard provided, however, if they are parked or stored in the front yard area, or a yard area abutting a public street, they must be parked or stored on an authorized parking or driveway area or a paved or graveled extension of an authorized parking or driveway area and be in compliance with Section 19-1301 through 1305 of the City Ordinances. Authorized driveways and paved or graveled extensions thereof may not exceed 50% of the front yard or a yard area abutting a public street unless approved by the City Council as part of a plan approval for an apartment complex pursuant to Section 35-230 of the City Ordinances.
 - b) Materials, supplies, equipment other than construction or farm equipment, may be stored or located in any yard other than a front yard or a yard abutting a public street provided they are screened from public view by an opaque fence or wall at least six feet high or high enough to prevent these items from being seen from abutting property at ground level.
 - c) All vehicles, watercraft and other articles allowed to be stored outside in an approved manner on occupied residentially used property must be owned by a person who resides on the property. (Persons who are away at school or in the military service for periods of time, but still claim the property as their legal residence shall be considered residents on the property.)
 - d) The prohibitions of this section of the ordinance shall not apply to commonly accepted materials or equipment such as playground equipment, allowable accessory structures, flagpoles, air conditioner condensers, laundry drying equipment, arbors, trellises, properly stacked firewood and temporary storage of building materials for home improvement projects in process.

15. The overnight parking of usable or nonusable vehicles in a parking lot open to the public. For the purposes of this prohibition, a parking lot open to the public is any parking lot that is accessible to the general public without the need for payment. The prohibition of this section shall not apply to any vehicle that is parked or stored in a parking lot due to an ongoing legitimate business purpose on the property. A vehicle parked in violation of this prohibition may be issued a parking citation and is subject to removal as provided in Section 27-121.

Article II. Brooklyn Center City Code, Chapter 27, Section 27-120 is amended as follows:

Section 27-120. PARKING RESTRICTED AND PROHIBITED.

1. No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than six consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.
2. No person in charge of any vehicle shall park or permit such vehicle to stand upon any street, highway, parking lot or other area within the City of Brooklyn Center in violation of posted parking restrictions or traffic control devices.
3. No person in charge of any vehicle shall park or permit such vehicles or any part thereof, to stand upon a public sidewalk or upon the nonroadway area of any public street right of way.
4. The City Manager is authorized to establish and post parking restrictions for parking lots and other property owned by the City or its Economic Development Authority. Anyone parking a vehicle in violation of the posted restrictions is a violation of this code and the vehicle is subject to removal as provided in Section 27-121.
5. The Chief of Police or his/her designee may allow short-term exceptions to the above stated parking restrictions under certain circumstances if requests for such exceptions are submitted to the Police Department at least two hours prior to the time period for which the exception is requested, and if he/she determines that the granting of such exceptions will not create problems affecting the health and safety of the citizens or unduly affect traffic movements or street maintenance operations. Specific examples of events for which exceptions may be granted if all conditions are met include but are not limited to:
a.) family gatherings for special events such as weddings, graduations, anniversaries, and funerals in residential areas. b.) civic events such as community celebrations and parades.
c.) reconstruction or resurfacing of driveways. d.) out of state visitors with large R.V.'s.

Article III. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ____ day of _____, 2018.

Tim Willson, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strike out~~ indicates matter to be deleted, double underline indicates new matter.)

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Resolution Adopting Interim Regulations Related to Elementary and Secondary Schools as an Interim Use

Requested Council Action:

- Motion to approve a resolution adopting interim regulations for elementary and secondary school use in the City's commercial district on the issuance of an Interim Use Permit

Background:

Brooklyn Center Community Schools is embarking on significant renovations to the existing Brooklyn Center Middle and High School which will occur over the next two years. In order to accommodate the construction activity, the School District has determined that they will need to relocate some students for a period of 20 months to an off site location in a temporary school building.

The School District has selected the property at 5951 Earle Brown Drive, which was the former location of Brown College, as their preferred site. The relocation will require some renovation of the building in order to make it suitable for classroom and faculty use. The School District has proposed to enter into a lease agreement with the owner of the property for a period of 20 months. They hope to relocate students by January 2019, in order to maintain their construction schedule.

Currently elementary and secondary educational uses are not permitted in the C-2 District or the Central Commerce Overlay District, both of which affect the selected site. Staff is recommending that, if the Council wishes to allow the use, that an amendment to the Zoning Code occur, which would allow the use with an interim use permit (IUP).

IUPs are similar to special use permits in that they require a public hearing and approval from the Planning Commission and City Council. Further, the City Council may place conditions on the approval of an IUP. Unlike a special use permit, the City Council may place a sunset date on an IUP, after which the use must be terminated.

Because of the School District's urgency in moving ahead with the work on the former Brown College site, they are requesting that the City Council consider adopting a resolution that provides for interim regulations while the City works through the process of adopting more permanent Zoning Code Amendments.

A resolution, prepared by the City Attorney, outlining the proposed amendments and adopting them as interim regulations is attached for the City Council's review and consideration.

The proposed interim regulations would be in effect until the City could adopt permanent Zoning Code amendments, which will follow the typical process. If the City determines that changes to the proposed interim

regulations are required these can be incorporated in to the Zoning Code amendments which will go before the Planning Commission and City Council at a later date.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Member _____ introduced the following resolution and moved its adoption:

CITY OF BROOKLYN CENTER

RESOLUTION NO. 2018-_____

A RESOLUTION ADOPTING INTERIM REGULATIONS FOR ELEMENTARY AND SECONDARY SCHOOL USES IN THE CITY'S COMMERCIAL AND CENTRAL COMMERCE OVERLAY DISTRICTS ON THE ISSUANCE OF AN INTERIM USE PERMIT

WHEREAS, in January 2019, the Brooklyn Center Community Schools ("District") will begin significant renovations of the existing Brooklyn Center Middle and High School, and in order to accommodate the most efficient construction schedule, the District is expecting to relocate high school students at temporary locations for approximately two years; and

WHEREAS, the District has identified the former Brown College building, located at 5951 Earle Brown Drive, Brooklyn Center, MN 55430, ("Brown College Building") as a suitable location to relocate their high school classroom space on a temporary basis, but the relocation will require some renovation of the Brown College Building to be suitable for student use; and

WHEREAS, the District has proposed entering into a lease with the owner of the Brown College Building and beginning renovations as soon as possible in order to have the building ready by January 2019; and

WHEREAS, the Brown College Building is within the Commerce District ("C2") under Section 35-322 of the Brooklyn Center City Code ("Code"), and while the Code already allows for nonresidential educational uses in C2, including area learning centers, post-secondary schools, business schools and trade schools, it specifically excludes public and private elementary and secondary schools; and

WHEREAS, the City has reviewed the District's plans with regard to the renovation and use of the former Brown College building and determines they do not represent a threat to the public health, safety or welfare; and

WHEREAS, the City Council determines it is appropriate to similarly allow temporary school uses within the Central Commerce Overlay District ("CC") of the City as well; and

WHEREAS, the City Council is in the process of considering an amendment to the Code to allow for temporary school uses in C2 and CC with the issuance of an interim use permit; and

WHEREAS, the City Council has scheduled a public hearing on the proposed amendment to the Code before its Planning Commission on October 25, 2018; and

WHEREAS, the proposed amendment would then be available for consideration of a first reading by City Council at its November 12, 2018 meeting, and for a second reading and a public hearing at its November 26, 2018 meeting; and

WHEREAS, the City Council determines that it is in the best interests of the public, the District, and the District's students to adopt interim regulations with regard to temporary school uses in property zoned C2 and CC while the ordinance proposing to establish permanent regulations works its way through the standard ordinance adoption process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center as follows:

1. The City hereby adopts the following interim regulations to authorize the District to temporarily utilize the Brown College Building in C2 as a secondary school while it constructs improvements to its school building, conditioned on the District obtaining an interim use permit from the City and complying with the regulations adopted herein and the permanent regulations. The following interim regulations also allow temporary school uses in CC with the issuance of an interim use permit.
2. Brooklyn Center City Code, Chapter 35, Section 35-310(3) regarding the R1 One Family Residence District is amended as follows:

3. Interim Uses

- a. Temporary classroom buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning, subject to the following procedures and conditions: in Section 35-430.

~~1) Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 35-220.~~

~~2) At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.~~

~~3) The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.~~

~~No such permit shall be issued unless the applicant first agrees in writing to the imposition of any such conditions.~~

~~4) In addition to any other conditions which may be imposed by the Council, the following restrictions shall apply:~~

~~aa. Applicable lot standards and sign regulations shall be observed.~~

~~bb. A landscape and parking plan for the property shall be submitted and approved by the Council.~~

~~cc. Unless approved by the Council pursuant to this section and section 35-220, no new buildings may be erected on the property and no existing buildings may be expanded while the interim use continues.~~

~~dd. Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use.~~

~~ee. The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.~~

3. Brooklyn Center City Code, Chapter 35, Section 35-322 regarding the C2 Commerce District is amended as follows:

4. Interim Uses.

a. Temporary public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education, subject to the procedures and conditions in Section 35-430.

4. Brooklyn Center City Code, Chapter 35 is amended by adding a new Section 35-430 as follows:

Section 35-430. TEMPORARY SCHOOL USES.

1. Interim Use. The use of temporary classroom buildings as an accessory use to a permanent or temporary public or private elementary or secondary school, and the use of property for a temporary public or private elementary or secondary school, allowed by this Chapter shall not occur except upon issuance of an interim use permit in accordance with the procedures and subject to the conditions stated in Section 35-220.

2. Application. An application for an interim use permit for a temporary school use allowed by this Chapter may only be submitted by an existing public or private elementary or secondary school located in the City of Brooklyn Center, offering a regular course of study accredited by the Minnesota Department of Education. The application for the interim use permit shall, in addition to the information required on the application form, include the following information.
- a. If the requested interim use permit is for an on-site temporary school building:
 - (i) The number, size, and layout of any temporary classroom buildings to be located on the school site;
 - (ii) Setbacks of any proposed temporary classroom buildings to property lines;
 - (iii) Elevations and/or renderings of the proposed temporary classroom buildings;
 - (iv) The number of students that will be served by the temporary classroom buildings; and
 - (v) The reason for the need for temporary classroom buildings and the length of time they will be in use.
 - b. If the requested interim use permit is for an off-site temporary school:
 - (i) The location of the proposed temporary school;
 - (ii) The number of students and faculty that will occupy the school;
 - (iii) A transportation plan, which includes bus times and routes, number of buses, number of anticipated drop-offs, and drop-off locations;
 - (iv) A parking and circulation plan;
 - (v) The reason for the need for the temporary school and the length of time it will be in use; and
 - (vi) If exterior modifications to the building are proposed, elevations and/or renderings of the proposed changes.
3. Issuance. An application for an interim use permit for a temporary school use shall be processed in accordance with Section 35-220, except that the following additional standards shall also be considered:
- a. The proposed use must conform to the regulations in this Chapter;

- b. The date or event that will terminate the use can be identified with certainty;
 - c. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - d. The applicant agrees to the conditions the City Council imposes on the use.
- 4. Conditions. The City Council may impose any conditions on the interim use permits it issues as it deems are necessary or expedient to protect the public health, safety or welfare, or to ensure the use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. Every interim use permit shall identify the date or event that will terminate the permit. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.
- 5. Performance Standards. In addition to any conditions placed on an interim use permit by the City Council, the following restrictions shall apply to interim use permits issued for a temporary school use.
 - a. For temporary classroom buildings:
 - (i) Applicable lot standards and sign regulations shall be observed;
 - (ii) A landscape and parking plan for the property shall be submitted and approved by the Council;
 - (iii) Unless approved by the Council, no new buildings may be erected on the property and no existing buildings may be expanded while the interim use continues;
 - (iv) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use; and
 - (v) The total square footage of temporary classrooms on any one site shall not exceed 2000 square feet.
 - b. For temporary schools:
 - (i) Applicable lot standards and sign regulations shall be observed;
 - (ii) A parking and circulation plan shall be submitted and approved by the Council; and

(iii) Unless approved by the Council, no new buildings may be erected and no existing buildings may be expanded on the property while the interim use continues.

6. Renewal. An application to renew an interim use permit for a temporary school use shall be submitted no fewer than 90 days prior to the termination of the existing permit, and processed in the same manner as a new application.

5. Brooklyn Center City Code, Chapter 35, Section 35-2240 regarding the CC Central Commerce Overlay District is hereby amended as follows:

3. Interim Uses. The following uses are allowed in the CC Central Commerce Overlay District with the issuance of an interim use permit.

a. Temporary public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education, subject to the procedures and conditions in Section 35-430.

4. The following uses are not permitted in the CC Central Commerce Overlay District:

- a. sauna establishments
- b. massage establishments
- c. currency exchanges
- d. pawn shops
- e. secondhand goods dealers

45. The following area is hereby established as being within the CC Central Commerce Overlay District:

The CC Central Commerce Overlay District is located within the area bounded by a continuous line beginning at a point located at the intersection of John Martin Drive and T.H. 100 and going southwesterly along the

6. These interim regulations shall go into effect immediately and shall remain in effect for 120 days or upon the effective date of the proposed amendment to the Code, whichever occurs first.

October 22, 2018

Date

Tim Willson, Mayor

ATTEST: _____
Barbara Suciu, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

COUNCIL ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Administration

SUBJECT: Reminder of Snow Event Parking Ordinance Effective November 4

Requested Council Action:

Background:

Just a reminder that beginning November 4, 2018 there is no on-street parking at any hour during a snow event of 2 1/2 inches or more until the roads are plowed curb to curb.

Enforcement of the other ordinance will include issuance of a citation as well as towing the vehicle to allow for snow plowing.

This ordinance is in effect whenever snow fall meets or surpasses 2 1/2 inches.

AGENDA



1. Call to Order

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet, including EDA (Economic Development Authority), is available to the public. The packet ring binder is located at the podium.

2. Roll Call

3. Approval of Consent Agenda

The following items are considered to be routine by the Economic Development Authority (EDA) and will be acted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the consent agenda and considered at the end of Commission Consideration Items.

a. Approval of Minutes

- Approval of minutes from October 8, 2018

b. Resolution Authorizing Lease Extension for Brooklyn Bridge Alliance for Youth at Earle Brown Heritage Center

It is recommended that the Economic Development Authority consider a lease extension for the Brooklyn Bridge Alliance for Youth, for continued use of the Earle Brown Heritage Center Farm House

4. Commission Consideration Items

5. Adjournment

EDA ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Dr. Reginald Edward, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Background:

MINUTES OF THE PROCEEDINGS OF THE
ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND THE
STATE OF MINNESOTA

REGULAR SESSION
OCTOBER 8, 2018
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President Tim Willson at 9:16 p.m.

2. ROLL CALL

President Tim Willson and Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were Executive Director Curt Boganey, Deputy Executive Director Reggie Edwards, Business and Workforce Development Specialist Brett Angell, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

3. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Ryan moved and Commissioner Butler seconded to approve the Agenda and Consent Agenda, and the following item was approved:

3a. APPROVAL OF MINUTES

1. July 23, 2018 – Regular Session

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

**4a. RESOLUTION NO. 2018-13 AUTHORIZING THE ACQUISITION OF
PROPERTY LOCATED AT 5355 EMERSON AVENUE N. FROM HENNEPIN
COUNTY TAX FORFEITED LANDS**

Executive Director Curt Boganey introduced Business and Workforce Development Specialist Brett Angell to present this item.

Business and Workforce Development Specialist Brett Angell explained the single-family home at 5355 Emerson Avenue N. was damaged by fire in 2013 and vacant until it was torn down in 2015. Prior to demolition, the property fell into disrepair so the City abated the property and costs to demolish the home were assessed to the property taxes.

Mr. Angell displayed colored pictures depicting site conditions and described the property as being a total of .12 acres with a lot size of approximately 40 feet wide and 130 feet deep. It is zoned R1: Single Family Residential and guided to be redeveloped into single family. He reviewed the costs, noting the total price for acquisition of the lot from Hennepin County Tax Forfeited lands is \$27,228.55.

Mr. Angell stated if approved, the EDA will purchase the property with Tax Increment Financing 3 Housing Funds, combine it with the property to the north, 5357 Emerson Avenue N, and sell it for redevelopment into a single-family home. The combined lot would be 80 feet wide and 130 feet deep with a total square footage of 10,400 sf, which exceeds lot requirements. Mr. Angell displayed a slide showing the building envelope when complying with required setbacks.

Commissioner Ryan moved and Commissioner Graves seconded to adopt RESOLUTION NO. 2018-13 Authorizing the Acquisition of Property located at 5355 Emerson Avenue (PID 01-118-21-33-011) from Hennepin County Tax Forfeited Land.

Motion passed unanimously.

5. ADJOURNMENT

Commissioner Ryan moved and Commissioner Lawrence-Anderson seconded adjournment of the Economic Development Authority meeting at 9:24 p.m.

Motion passed unanimously.

EDA ITEM MEMORANDUM

DATE: 10/22/2018

TO: Curt Boganey, City Manager

THROUGH: Jim Glasoe

FROM: Jim Glasoe

SUBJECT: Resolution Authorizing Lease Extension for Brooklyn Bridge Alliance for Youth at Earle Brown Heritage Center

Background:

Since the closing of the “Inn on the Farm” more than a decade ago, staff had been attempting to lease the former Farm House space at the Earle Brown Heritage Center. With no luck in securing a tenant, in September 2013, the space was leased to the Brooklyn Bridge Alliance for Youth for their operations. The space was provided free of charge, as long as the EDA incurred minimal expense for any space conversion. That lease has now expired and the attached lease extends the agreement for another two years. Like before, the new lease does not include any charges for the space, but does include cleaning and maintenance responsibilities, along with updated language regarding insurance requirements.

Budget Issues:

As there is no charge for the lease, there are no budget issues to consider. However, the lease does reflect \$60,800 in annual “opportunity costs”.

Strategic Priorities and Values:

Inclusive Community Engagement

LEASE

THIS INDENTURE (the "Lease") made and entered into on this 1st day of November, 2018, by and between Economic Development Authority of the City of Brooklyn Center, a public body corporate and politic under Minnesota law, whose address is c/o General Manager, Earle Brown Heritage Center, 6155 Earle Brown Drive, Brooklyn Center, MN 55430 (referred to as "Landlord") and Brooklyn Bridge Alliance for Youth, a joint powers entity, whose address is 6150 Summit Drive, Suite 200, Brooklyn Center, MN 55430 (hereinafter referred to as "Tenant").

WITNESSETH:

ARTICLE I – BASIC LEASE PROVISIONS

- | | | |
|-----|----------------------------|--|
| 1.1 | LANDLORD: | Brooklyn Center Economic Development Authority
6155 Earle Brown Drive
Brooklyn Center, MN 55430 |
| 1.2 | TENANT: | Brooklyn Bridge Alliance for Youth
6150 Summit Drive North, Suite 200
Brooklyn Center, MN 55430 |
| 1.3 | DEMISED PREMISES: | 6150 Summit Drive North, Suite 200, Brooklyn Center, MN 55430, more specifically identified on Exhibit A attached hereto, and located within the complex known as the Earle Brown Heritage Center ("Center"). |
| 1.4 | ORIGINAL TERM: | Two (2) years. |
| 1.5 | TERM COMMENCEMENT
DATE: | November 1, 2018 |
| 1.6 | RENT COMMENCEMENT
DATE: | October 31, 2020 |
| 1.7 | BASE RENT: | Sixty thousand, eight hundred and forty dollars (\$60,840.00 per annum). Rent will be provided by the Brooklyn Center Economic Development Authority and the City of Brooklyn Center as an in-kind contribution. |

ARTICLE II - GRANT; TERM AND EXTENSION OPTIONS

2.1 DEMISED PREMISES; COMMON AREAS. In consideration of the rents, covenants and agreements herein reserved and contained on the part of Tenant to be performed, Landlord does hereby lease to Tenant the office space designated as Suite 200, consisting of 3,011 square feet and located on the parcel of land at 6150 Summit Drive North, Brooklyn Center, Minnesota, County of Hennepin, State of Minnesota legally described on Exhibit A attached hereto (hereinafter referred to as the "Demised Premises"). As part of the lease of the Demised Premises, Landlord hereby leases to Tenant all fixtures and equipment located in or on the Demised Premises. Throughout the term of this Lease, Tenant shall have: (a) the exclusive right to use the leasehold improvements in the Demised Premises; and (b) the non-exclusive right to use the parking lot located south of the Demised Premises and sidewalks between the Demised Premises and parking lot, in common with Landlord and other tenants of the Center and their respective agents, employees, and invitees. Tenant's non-exclusive use of the sidewalks and parking lot shall be subject to such reasonable limitations as Landlord may from time to time impose, as long as such limitations do not interfere in any material respect with Tenant's rights to obtain access to the Demised Premises.

2.2 TERM COMMENCEMENT. The term of this Lease shall commence upon November 1, 2018 and the lease shall expire on October 31, 2020 (the "Term Expiration Date"), subject to termination as provided in section 2.3 below.

2.3. TERMINATION BY NOTICE. Either party may terminate this Lease by giving written notice to the other party at least 120 days in advance of the date of termination.

ARTICLE III - RENT

3.1 RENT COMMENCEMENT. Tenant's obligation to pay rent will commence on Rent Commencement Date.

3.2. RENT. Following the Rent Commencement and during the term hereof Tenant agrees to pay to Landlord at Earle Brown Heritage Center, 6155 Earle Brown Drive, Brooklyn Center, Minnesota 55430 or at such other place as the Landlord may from time to time designate in writing, "base rent" for the Demised Premises as set forth at Section 1.8 above. Such payments shall be made in advance on the first of each month, without deduction or set-off. Rent for any partial month shall be pro-rated.

3.3 ADJUSTMENTS TO RENT. Per an agreement with the Brooklyn Center Economic Development Authority, all rental fees for the duration of this agreement shall be considered as an in-kind donation from the Brooklyn Center Economic Development Authority and the City of Brooklyn Center.

3.4 ADDITIONAL RENT. Any other charges to be paid by the Tenant pursuant to the provisions of any other sections of this Lease shall be designated as "additional rent". For convenience, Tenant may include payment for such charges and the "base rent" in one monthly check, provided all "additional rent" items are shown separately from "base rent" thereon. Such

"additional rent" shall not for any reason be considered as "base rent" as hereinabove defined. Failure of Tenant to pay "additional rent" shall give Landlord the right to declare an event of default.

3.5 RENT DELINQUENCIES. Should the Tenant, for any reason whatsoever, fail to pay, when the same is due and payable, any "base rent" and/or "additional rent" and should said rent not be paid within ten (10) days of due date, Tenant shall pay a late penalty equal to five percent (5%) of total rents due. In addition, all unpaid rents shall bear interest from the date due to the date of payment at the rate of two percent (2%) per annum in excess of the prime rate as quoted by US Bank, N.A. to its best customers, or the highest rate permitted by law, whichever is less.

3.6 NET-NET LEASE. This is a net-net lease; "base rent" shall be net of all costs and expenses of owning and operating the Demised Premises, including maintenance and insurance, except as provided at Sections 7.1 and 10.2 of this Lease. Tenant shall have no right of set-off or reduction with respect to any rent or payment due under this Lease except as provided in this Lease. Base rent, additional rent, and any other monetary obligation of Tenant herein are sometimes called "rent" in this Lease.

ARTICLE IV – CONSTRUCTION AND ACCEPTANCE OF DEMISED PREMISES

4.1 Tenant accepts the Demised Premises as ready for occupancy.

4.2 NO WARRANTY OF CONDITION OF PREMISES. Landlord makes no warranties or representations of any kind in connection with the quality or condition of the Demised Premises, and Tenant shall rely solely upon any prior inspections Tenant may have made in connection with the transaction contemplated by this Lease. Tenant acknowledges for Tenant and its successors and assignees, (A) that Tenant will be given a reasonable opportunity to inspect and investigate the Demised Premises, all improvements thereon and all aspects relating thereto, either independently or through agents and experts of Tenant's choosing, and (B) that Tenant is leasing the Demised Premises based upon Tenant's own investigation and inspection thereof following the completion of Landlord's Work and subject to Tenant's reasonable punch list. Landlord and Tenant agree that (except as otherwise specifically provided herein) the Demised Premises is leased and that Tenant accepts possession of the Demised Premises as of the Term Commencement Date "As Is, Where Is, With All Faults" with no right of set-off or reduction in rent subject to the provisions of this Lease.

ARTICLE V – TAXES AND SPECIAL ASSESSMENTS

5.1 TAXES AND SPECIAL ASSESSMENTS. Provided that Tenant shall timely make all payments of rent required hereunder, Landlord shall pay before delinquent all real estate taxes and installments of special assessments with respect to the Demised Premises due and payable during the term of this Lease.

5.2 PERSONAL PROPERTY TAXES. Tenant shall pay before delinquency all taxes, assessments, license fees, and other charges that are levied and assessed against Tenant's

personal property installed or located in or on the Demised Premises and that become payable during the term of this Lease.

ARTICLE VI - USE OF PREMISES

6.1 TENANT'S USE. During the term of this Lease, the Demised Premises shall be used solely for the purpose of offices.

6.2 COMPLIANCE WITH LAWS AND REGULATIONS.

(a) Tenant covenants and agrees that at all times during the term hereof it will maintain and conduct its business insofar as the same relates to the occupancy of the Demised Premises in such a manner and under such regulations that are in strict compliance with any and all applicable governmental and/or quasi-governmental laws, rules, regulations and orders, as well as any and all applicable provisions of insurance underwriters at the Demised Premises. Tenant shall indemnify Landlord, Landlord's insurer, and the property of Landlord against any and all claims or losses or actions or causes of action resulting from Tenant's failure to comply with said laws, rules, regulations and orders and underwriting provisions.

(b) Tenant hereby agrees to provide any required public accommodations and to conduct its business as it relates to the occupancy of the Demised Premises in accordance with the Americans with Disabilities Act ("ADA"), codified at 42 U.S. § 12101 *et seq.* Failure to do so shall operate as an event of default and a breach of the Lease. Landlord shall be responsible for maintaining the physical structure of the Demised Premises in a manner that complies with the public accommodations requirements of the ADA (e.g., accessible entry doors and restroom facilities). Tenant shall be responsible for complying with the public accommodation requirements of the ADA associated with the activities it conducts within the Demised Premises including, but not limited to, providing for each of the following:

(1) The "readily achievable" removal of physical barriers within the areas utilized by the Tenant which the Tenant would otherwise create (e.g., set-up of exhibits in an accessible manner and meeting room set up) and not controlled or mandated by Landlord;

(2) The provision of auxiliary aids, devices, and services where necessary to ensure effective communication of Tenant's operations and services to disabled participants and as needed to ensure that no disabled individual is treated differently than any other individuals participating in Tenant's programs, events, or operations conducted within the Demised Premises (e.g., Braille or enlarged print handouts, specific seating requirements, listening devices, interpreter, or simultaneous video/text display); and

(3) The modification of the Tenant's policies, practices, and procedures applicable to participants as required to enable disabled individuals to participate equally in Tenant's programs, events, or operations conducted within the Demised Premises.

6.3 AFFIRMATIVE COVENANTS OF TENANT. Without in any way limiting or restricting other covenants of Tenant elsewhere in this Lease contained, the Tenant affirmatively covenants and agrees as follows:

(a) Tenant shall neither permit or suffer and conduct, noise, odor or other nuisance in, on or about said Demised Premises to annoy or disturb any persons occupying adjacent premises or common areas;

(b) Tenant shall keep the Demised Premises, including all service and/or loading areas for the Demised Premises, free from all litter, dirt and obstructions;

(c) Tenant shall arrange for and accept deliveries only at such times, in the areas, and through the entrances designated for such purpose by Landlord;

(d) Tenant shall keep said Demised Premises clean and in the sanitary condition required by ordinance and regulations of any governmental or quasi-governmental unit having jurisdiction;

(e) Tenant shall neither permit nor suffer the Demised Premises, or the walls, ceilings or floors thereof to be endangered by overloading;

(f) Tenant shall not use or permit the Demised Premises to be used for any purpose or purposes other than that set forth in Section 6.1 hereof;

(g) Tenant will control its patrons to prevent drunken, unruly or obnoxious behavior.

ARTICLE VII - MAINTENANCE AND REPAIRS

7.1 LANDLORD'S MAINTENANCE AND REPAIR OBLIGATIONS. Subject to Article 11, Landlord shall operate, maintain and make all necessary repairs and replacements to: (a) the structural portions of the Building, (b) the exterior walls of the Building, including glass and glazing, (c) the roof, (d) exterior windows, (e) mechanical, electrical, plumbing, life safety, heating, venting, air conditioning and other building systems, (f) sidewalks, parking areas and landscaped areas adjacent to the Demised Premises; and (g) damage (other than casualty damage) caused by the negligence or willful misconduct of Landlord or its agents, employees or contractors, in each case, throughout the Term. The repair and replacement obligations of Landlord following damage to or destruction of the Demised Premises as a result of condemnation or casualty are governed by Article 11, not by this Section 7.1.

7.2 TENANT'S MAINTENANCE AND REPAIR OBLIGATIONS. Subject to: (a) reasonable wear and tear (but only to an extent consistent with the Demised Premises remaining in good condition and repair); (b) casualty damage for which it is not the responsibility of Tenant to perform restoration or repair in accordance with this Lease; (c) damage (other than casualty damage) caused by the negligence or deliberate misconduct of Landlord or Landlord's agents, employees or contractors; (d) damage that is covered by the property and casualty insurance policy or policies on the Demised Premises required to be maintained by Landlord under this

Lease (or would be covered if Landlord were maintaining such insurance) (to the extent actually covered, taking into account the deductibles, policy limits and exclusions of such insurance policies); (e) damage that is Landlord's obligation under this Lease to remedy or that results from Landlord's failure to fulfill such obligations; and, (f) damage to the interior of the Demised Premises resulting from causes outside the Demised Premises other than Tenant's acts or omissions; Tenant shall routinely clean, maintain, and make non-structural repairs to, the Demised Premises and keep the same in good condition and repair, consistent with other Earle Brown Heritage Center facilities. Subject to the preceding sentence, Tenant's obligation shall include the obligation to routinely clean, maintain and repair all nonstructural walls; floor coverings; ceilings; partitions, and all other fixtures, appliances and facilities furnished by Landlord or Tenant within the Demised Premises, and shall also include the obligation to repair all damage caused by the negligence or deliberate misconduct of Tenant, its agents, employees, invitees and licensees to the Demised Premises, whatever the scope of the work of maintenance or repair required. Subject to Article 11, nothing contained in this Section 7.2 shall be deemed to impose upon Tenant the obligation to perform work, cleaning, maintenance or repair to the extent required by reason of Landlord's negligence, willful misconduct or wrongful acts or those of Landlord's agents, employees or contractors.

7.3 SURRENDER OF PREMISES. At the expiration or termination of this Lease, Tenant shall surrender the Demised Premises in the same condition as existed on the Term Commencement Date, ordinary wear and tear excepted. All fixtures which have become attached shall be part of the Demised Premises, except trade fixtures. Further, within ninety (90) days prior to the expiration of the term or termination of this Lease, Landlord shall during reasonable business hours, have the right to show the Demised Premises to third parties for the purposes of again leasing same.

ARTICLE VIII – UTILITIES AND SIGNAGE

8.1 UTILITIES PROVIDED BY LANDLORD. Subject to Sections 8.3 and 8.4, Landlord shall cause public utilities and/or public agencies to furnish to the Demised Premises the following utility services: gas for heat, electricity, domestic water, and sewer; and, Landlord shall timely pay the bills for those services. Tenant shall have no obligation to reimburse Landlord for utilities.

8.2 TELECOMMUNICATIONS. Landlord shall provide phone and wireless internet services for the duration of this agreement. Tenant shall pay for any additional telecommunications services needed for use in the Demised Premises.

8.3 SUPPLY OF UTILITY SERVICES. Landlord shall not be liable in any way to Tenant for any failure or defect in the supply or character of electricity, water, sewer, or gas furnished by reason of any change, requirement, act, neglect or omission of the public utility serving the Demised Premises or for any reason not attributed to Landlord.

8.4 INTERRUPTION OR DISCONTINUANCE OF LANDLORD'S SERVICE. Tenant agrees that Landlord shall not be liable for failure to supply any service when Landlord uses reasonable diligence to supply the same, it being understood that Landlord reserves the right to

temporarily discontinue such services, or any of them, at such times as may be necessary by reason of accident, unavailability of employees, failure of supply, repairs, alterations or improvements, or by reason of fire, strikes, flood, lockouts, riots, acts of God or any other happening beyond the reasonable control of Landlord. When Landlord causes services to be rendered by independent third parties, Landlord shall have no liability for the performance thereof or liability therefor.

8.6 GARBAGE AND REFUSE COLLECTION. All garbage and refuse shall be placed in containers provided by Landlord for that purpose on the grounds of the Center.

8.7 SIGNAGE. Tenant may not install any signs, numerals, letters or other graphics on the exterior of, or which may be visible from outside the Demised Premises, without Landlord's prior written approval, which approval may not be unreasonably withheld. Landlord shall install said approved signage at Tenant's expense in a place mutually agreed upon by Landlord and Tenant.

ARTICLE IX - ALTERATIONS

9.1 ALTERATIONS. Tenant may, from time to time during the term, make, at its own cost and expense, any alterations or changes in the interior of the Demised Premises in good and workmanlike manner in compliance with all applicable requirements of law, provided Tenant follows the notice procedure and obtains Landlord's consent where required, all in accordance with this Article. Landlord agrees to cooperate with Tenant for the purpose of securing necessary permits for any changes, alterations, or additions permitted under this section without expense to the Landlord. Upon completion of such alterations, Tenant shall present to Landlord a copy of the endorsement to Tenant's fire and extended coverage insurance policy which endorsement shall incorporate said alterations into the policy. All costs of any such work shall be paid promptly by Tenant so as to prevent the assertion of any liens for labor or materials. Tenant agrees to advise Landlord in writing of the date upon which such alterations will commence in order to permit Landlord to post notice of non-responsibility.

9.2 NOTICE TO LANDLORD. Prior to the initiation of any alterations, Tenant shall give Landlord written notice thereof and specify the work to be performed in reasonable detail and include the names of the contractors and material men to be utilized. After receipt of said notice, Landlord shall have a reasonable period of time during which it shall make a determination, in its sole discretion, as to whether or not the proposed work would create a structural or design change at the Demised Premises. Tenant shall provide Landlord upon request with any further information reasonably necessary for such determination by Landlord, and Tenant shall not commence work or accept materials prior to receiving written notice of Landlord's determination. If Landlord determines that the proposed work would create a structural or design change, then the same must be approved in writing by Landlord prior to the commencement of any work or the delivery of any materials therefor.

ARTICLE X – INSURANCE, RELEASE, INDEMNIFICATION

10.1 TENANT'S INSURANCE. Tenant shall carry liability coverage of no less than \$1,000,000 per occurrence, and shall name the City of Brooklyn Center EDA as additional

insured. In addition, Tenant may carry, at its discretion and expense, insurance against fire, vandalism, and malicious mischief insuring Tenant's trade fixtures, furnishings, equipment, and all other items of personal property of Tenant located on or within the Demised Premises.

10.2 LANDLORD'S INSURANCE. Landlord shall, during the term of this Lease, keep in force and effect a policy of property damage insurance on and for the Demised Premises to cover the same against loss or damage occasioned by fire, vandalism, and malicious mischief, and such other hazards as may be occasioned by Landlord's ownership of the Demised Premises, with coverage of not less than one hundred percent (100%) of the full insurable value of the Demised Premises. To the extent the insurance maintained by Landlord in accordance with this Section 10.2 overlaps with the insurance to be maintained by Tenant pursuant to Section 10.1(b), above, Tenant's insurance shall be primary.

10.3 PROTECTION FROM SUBROGATION. Anything in this Lease to the contrary notwithstanding, neither Landlord nor Tenant shall be liable to the other for any business interruption or any loss or damage to property or injury to or death of persons occurring on the Demised Premises or the adjoining of properties, mall areas, sidewalks, streets or alleys, or in any manner growing out of or connected with Tenant's use and occupation of the Demised Premises, or the condition thereof or of mall areas, sidewalks, streets or alleys adjoining, caused by the negligence or other fault of Landlord or Tenant or of their respective agents, employees, subtenants, licensees or assignees to the extent that such business interruption or loss or damage to property or injury to or death of person is covered by or indemnified by proceeds received from insurance carried by other party (regardless of whether such insurance is payable to or protects Landlord or Tenant or both) or for which such party is otherwise reimbursed; and Landlord and Tenant each hereby respectively waive all rights of recovery against the other, its agents, employees, subtenants, licensees and assignees, for any such loss or damage to property or injury to or death of persons to the extent the same is covered or indemnified by proceeds received from any such insurance, or for which reimbursement is otherwise received. Landlord's and Tenant's respective policies of insurance shall each contain a waiver of subrogation provision incorporating the above covenant and providing that the insurance shall not be invalidated by the insured's written waiver prior to a loss of any or all right of recovery against any party for any insured loss. It is expressly understood that Landlord shall not be liable to Tenant for any damages incurred by the latter as a result of the above and foregoing events; save and except as to any such damages caused by the willful or wanton conduct of Landlord, its agents or employees, provided such damages are not recoverable by Tenant pursuant to the insurance policies required to be provided by Tenant under this Lease or otherwise.

10.4 RELEASE. Each party hereto ("Releasing Party") hereby releases the other ("Released Party") from any liability which the Released Party would, but for this paragraph, have had to the Releasing Party arising out of or in connection with any accident or occurrence or casualty:

- (a) which is or would be covered by a fire and extended coverage policy (with vandalism and malicious mischief endorsement attached) or by a sprinkler leakage or water damage policy in the state in which the Demised Premises is located

regardless of whether or not such coverage is being carried by the Releasing Party, and

- (b) to the extent of recovery under any other casualty or property damage insurance being carried by the releasing Party at the time of such accident or occurrence or casualty, which accident or occurrence or casualty may have resulted in whole or in part from the act of neglect of the Released Party, its officers, agents or employees, provided, however, the release hereinabove set forth shall become inoperative and null and void if the Releasing Party contracts for the insurance required to be carried under the terms of this Lease with an insurance company which:
 - (1) Takes the position that the existence of such release vitiates or would adversely affect any policy so insuring the Releasing Party in a substantial manner and notice thereof is given to the Released Party at the time coverage is bound, or
 - (2) Requires the payment of a higher premium by reason of the existence of such release, unless in the latter case the Released Party within ten (10) days after notice thereof before coverage is bound from the Releasing Party pays such increase in premium.

10.5 INDEMNIFICATION. Except for claims arising out of the willful or negligent act of Landlord or its agents, Tenant shall indemnify and defend Landlord against all claims, expenses and liabilities incurred, including reasonable attorneys' fees, in connection with loss of life, personal injury, and/or damage to property arising out of any occurrence in, upon or at the Demised Premises, or the occupancy or use thereof by Tenant, or occasioned wholly or in part by any act or omission of Tenant, its agents, employees, contractors, sublessees, concessionaires or licensees.

ARTICLE XI - DESTRUCTION AND RESTORATION

11.1 RESTORATION OPTION IF MORE THAN 30% DAMAGED. If the Demised Premises shall be damaged to the extent of thirty percent (30%) or more of the cost of replacement thereof or damaged by any uninsured casualty, Landlord shall have the option to rebuild or to terminate this Lease by exercise of notice to Tenant given not more year from the date of such damage.

11.2 RESTORATION OPTION IF LESS THAN 30% DAMAGED.

(a) If the Demised Premises shall be damaged to the extent of less than thirty percent (30%) of the cost of replacement by fire or other casualty covered by Landlord's policy of fire coverage insurance during the term of this Lease the base rental herein shall abate as of the date of the occurrence in accordance with the provisions of Section 11.2(b), and the Landlord shall restore the Demised Premises. If such an event occurs during the last one (1) year of this Lease or extension thereof, then Landlord shall have the option to rebuild or terminate this Lease to be exercised by notice to Tenant given not more than six (6) months from the date of such damage.

(b) In the event of such partial destruction or damage whereby Tenant shall be deprived of occupancy and use for only a portion of the Demised Premises, then "base rent" shall be equitably apportioned according to the area of the Demised Premises which is unusable by Tenant from the date of occurrence, until such time as the Demised Premises are repaired or restored as provided herein.

11.3 TOTAL DESTRUCTION. In the event of total destruction of the Demised Premises, Tenant's rent shall completely abate from the date of such destruction. If Landlord elects to rebuild as aforesaid, Tenant's rent shall completely abate from the date of such destruction until forty-five (45) days after the date when Landlord notifies Tenant that the shell of the Demised Premises is ready for commencement of Tenant's work, or upon the day when Tenant opens for business, whichever event shall first occur.

11.4 ADDITIONAL HAZARDS. Tenant covenants and agrees that it will not do or permit anything to be done in or upon the Demised Premises or bring in anything or keep anything therein which shall cause the cancellation of Tenant's insurance policies, or increase the rate of insurance, on the Demised Premises above the standard rate on said premises and building. Tenant further agrees that in the event it shall do anything to so increase the insurance rate, Tenant shall promptly pay to Landlord on demand any such increase resulting therefrom, which shall be due and payable as "additional rent" hereunder. At Tenant's request, Landlord shall make available for Tenant's inspection during regular business hours, all documents pertaining to Landlord's calculation of Tenant's "additional rent" required under this section. Said "additional rent" shall be due and payable as billed by Landlord.

11.5 NOTICE. Tenant shall give immediate written notice to Landlord of any damage caused to the Demised Premises by fire or other casualty; or of any cancellation or reduction of Tenant's insurance coverage required pursuant to this Lease.

11.6 ABATEMENT. Tenant agrees that during any period of reconstruction or repair of the Demised Premises, it will continue the operation of its business within the Demised Premises to the extent practicable. If Landlord is required to repair and rebuild, then during the period from the occurrence of the casualty until Landlord's repairs are completed, the "base rent" set forth herein shall be reduced to such extent as may be fair and reasonable under the circumstances; however, there shall be no abatement of the other charges provided for herein.

ARTICLE XII -EMINENT DOMAIN

12.1 PARTIAL OR TOTAL CONDEMNATION. If the whole or any part of the Demised Premises or the structure encompassing same shall be taken by any public authority under the power of eminent domain, the Tenant shall have no claim to, nor shall Tenant be entitled to, any portion of any award, for damages or otherwise. In the event only a portion of the Demised Premises are taken, the Lease shall terminate as to the part taken, and the rent and other charges herein reserved shall be adjusted for the remainder of the Demised Premises so that the Tenant shall be required to pay for the balance of the term that portion of the rent reserved which the value of the part of the Demised Premises remaining after condemnation bears to the value of the Demised Premises immediately prior to the date of condemnation. The rental and other charges shall be apportioned as aforesaid by agreement between the parties or by arbitration or legal proceedings, but pending such determination the Tenant shall pay at the time and in the manner above provided the rental herein reserved and all other charges herein required to be paid by the Tenant, without deduction, and upon such determination, the Tenant shall be entitled to credit for any excess rentals paid. If, however, by reason of the condemnation there is not sufficient space left in the Demised Premises for the Tenant to reasonably conduct business; then, in such event, the Lease shall terminate. Although all damages in the event of condemnation belong to Landlord whether awarded as compensation for diminution in value of the leasehold or to the fee of the Demised Premises, nothing herein shall be construed to prevent Tenant to claim and recover from the condemning authority such compensation as may be separately awarded or recoverable by Tenant in Tenant's own right for its leasehold interest.

ARTICLE XIII - ASSIGNMENT AND SUBLETTING

13.1 CONSENT REQUIRED. Tenant may not assign this Lease and/or sublet the Demised Premises.

ARTICLE XIV - TENANT'S DEFAULT

14.1 EVENTS OF DEFAULT. The following events shall be deemed to be events of default by Tenant under this Lease:

- (a) Tenant shall fail to pay when due any installment of rent, or other charges provided herein, or any portion thereof and the same shall remain unpaid for a period of three (3) days after the same has become due; or
- (b) Tenant shall for reasons other than those specifically permitted in this Lease, cease to conduct its normal business operations in the Demised Premises or shall vacate or abandon the Demised Premises. Tenant will be deemed to have vacated, closed or abandoned the Demised Premises if it fails to conduct its business on the Demised Premises during regular working hours for a period or more than ten (10) consecutive business days; or

- (c) Tenant shall do or permit to be done anything which creates a lien upon the Demised Premises; and does not cause said lien as to Landlord's interest in the property to be released within ten (10) days after written notice from Landlord; or
- (d) Any representation or warranty made in writing to Landlord in this Lease or in connection with the making of this Lease, by Tenant or any guarantor, shall prove at any time to have been incorrect in any material respect when made or becomes incorrect; or
- (e) Tenant or any guarantor shall make an assignment for the benefit of creditors, for a petition in bankruptcy, be adjudicated insolvent or bankrupt or admit in writing the inability to pay debts as they mature, petition or apply to any tribunal for the appointment of a receiver, trustee or similar officer for Tenant or any guarantor or a substantial part of the assets of Tenant or any guarantor, or shall commence any proceeding under any bankruptcy, reorganization, arrangement, readjustment of debt, dissolution or liquidation law or statute of any jurisdiction, whether now or hereafter in effect; or if there shall have been filed any such petition or application, or any such proceeding shall have been commenced against Tenant or any guarantor, which remains undismissed for a period of thirty (30) days or more; or Tenant or any guarantor by any act or omission shall indicate their consent to, approval of or acquiescence in any such petition, application or proceeding, or the appointment of a receiver of or any trustee or similar officer for Tenant or any guarantor or any substantial part of any of the properties of Tenant or any guarantor, or shall suffer any such receivership or trusteeship to continue undischarged for a period of thirty (30) days or more; or any judgment, writ, warrant or attachment or execution or similar process shall be issued or levied against a substantial part of the property of Tenant or any guarantor and such judgment, writ, or similar process shall not be released, vacated or fully bonded within thirty (30) days after its issue or levy; or
- (f) Tenant shall have failed to comply with any other provisions of this Lease and shall not cure any failure within thirty (30) days, or such longer period of time as may be reasonably required to cure such default, after Landlord, by written notice, has informed Tenant of such noncompliance.

14.2 LANDLORD'S REMEDIES. Upon the occurrence of any of the above-lettered events of default, Landlord shall give Tenant written notice of the default, and Tenant shall have thirty (30) days or such other period as provided under section 14.1 above to cure such default. If the default is not cured within the applicable cure period, Landlord may elect to either, (1) terminate this Lease; or (2) terminate Tenant's right to possession only without terminating this Lease, hereinafter referred to as re-entry; (3) pursue any other remedy available at law or in equity. Landlord shall have all remedies provided in the Lease and under governing law. All of the remedies given to Landlord in this Lease or by law shall be cumulative, and the exercise of one right or remedy by landlord shall not impair its right to exercise any other right or remedy.

In the event of election under (2) above to terminate Tenant's right to possession only, Landlord may, at Landlord's option, proceed to demand possession by notice and proceeding under the Unlawful Detainer Law of Minnesota and take and hold possession thereof without such proceeding or entry into possession terminating this Lease or releasing Tenant in whole or in part from Tenant's obligation to pay the rent hereunder for the full term. Upon re-entry Landlord may remove all personal property from the Demised Premises and such property may be removed and stored in a public warehouse or elsewhere at the cost of and for the account of Tenant, all without service of notice or resort to legal process and without being deemed guilty of trespass, or becoming liable for any loss or damage which may be occasioned thereby. Upon and after entry into possession without termination of the Lease, Landlord shall use reasonable efforts to relet the premises, or any part thereof for the account of Tenant, to any other person, firm or corporation, for such rent and other charges for such time and upon such terms as Landlord, in Landlord's sole subjective discretion shall determine, but Landlord shall not be required to accept any potential tenant offered by Tenant or to observe any instruction given by Tenant about such reletting. Landlord may make repairs or redecorate the premises to the extent deemed by the Landlord necessary or commercially reasonable. Notwithstanding any action of possession or re-entry into the Demised Premises by the Landlord as permitted in this Article, or termination of this Lease as permitted under this Section, it is stipulated and agreed that Tenant shall remain liable to Landlord for damages for breach of this Lease and of Tenant's covenants hereunder in an amount equal to the total of the following:

- (a) All fixed base rent, additional rent, late charges, additional rent payable for taxes and otherwise, and any and all other charges payable by Tenant hereunder or under other agreements with the Landlord due for the period prior to the date of termination of this Lease or re-entry but unpaid, together with additional late charges from due date until paid; PLUS
- (b) All costs and expenses incurred by Landlord in connection with re-entry and repossession of the Demised Premises, the repair, renovation, remodeling, or redecoration thereof to the state required by this Lease upon termination or as may be necessary for reletting, and any broker's commissions, attorneys' fees, and other charges incurred in connection therewith or in connection with reletting the Demised Premises, including attorneys' fees, expended in the collection of rent; PLUS
- (c) A sum equal to the present value of all rent which would have been payable hereunder after the date of termination or re-entry for the balance of the term of the Lease had the Lease not been terminated or re-entry made, together with interest thereon at the rate of two percent (2%) per annum in excess of the prime rate as quoted by US Bank, N.A., to its best customers, or the highest rate permitted by law, whichever is less from due date until paid, PROVIDED THAT, in the event the Demised Premises are relet (which reletting shall in no event relieve or release Tenant of or from liability for damages hereunder) for all or any part of the balance of the original term hereof then, for each month during such reletting for which Landlord receives net avails of such reletting, Tenant shall be entitled to a credit against its liability to Landlord for such month in an amount

equal to such net avails, and PROVIDED FURTHER that, in lieu of damages as set forth in the foregoing provisions of this Section, Landlord may waive such foregoing provisions and elect, by written notice to Tenant within ninety (90) days after termination or re-entry, to receive forthwith as liquidated damages for such breach, in addition to the amounts specified above, a sum equal to fifteen percent (15%) of the rent which would have been due and payable for the portion of the balance of the term of the Lease from the date of early termination or re-entry through the final lease year.

14.3 COSTS, EXPENSES AND ATTORNEY'S FEES. If one party is required to seek legal counsel for collection or to commence litigation or arbitration in order to enforce the covenants and agreements in this Lease, the party prevailing in such collection, litigation or arbitration shall have the right to reimbursement from the other party of all reasonable costs, expenses and attorney's fees.

ARTICLE XV--ESTOPPEL CERTIFICATE, ATTORNMENT AND SUBORDINATION

15.1 ESTOPPEL CERTIFICATE. Within ten (10) days after the request by Landlord, Tenant shall deliver to Landlord a written and acknowledged statement certifying that Landlord has completed construction of the Demised Premises, that Tenant has accepted possession of the Demised Premises, that this Lease is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications), the commencement date and termination date of the Lease, that Landlord is not in default under the Lease (or, if there is a default, stating specifically the default) and the dates to which the "base rent" and other charges have been paid in advance, if any, it being intended that any such statement delivered pursuant to this Article may be relied upon by any prospective purchaser or mortgagee of the fee of the Demised Premises.

15.2 ATTORNMENT. Upon request of Landlord, Tenant shall in the event any proceedings are brought for the foreclosure of or in the event of exercise of the power of sale under any mortgage made by Landlord covering the Demised Premises, attorn to the purchaser upon any such foreclosure or sale and recognize such purchaser as Landlord under this Lease.

15.3 ATTORNEY-IN-FACT. Tenant, upon request of any party in interest, shall execute promptly such instruments or certificates to carry out the intent of sections 15.1, 15.2, and 15.3 above. Tenant hereby irrevocably appoints Landlord as attorney-in-fact for Tenant with full power and authority for the limited purpose of executing and delivering in the name of Tenant such instruments or certificates.

15.4 SUBORDINATION. Upon request of Landlord, Tenant shall, in writing, subordinate its rights hereunder to any ground leases or to the lien of any mortgage or mortgages, reasonably acceptable to Tenant, or the lien resulting from any other method of financing or refinancing, now or hereafter in force against the land and/or buildings of which the Demised Premises are a part or against any buildings hereafter placed upon the land of which the Demised

Premises are parts, and to all advances made or hereafter to be made upon the security thereof, provided Tenant is granted non-disturbance rights.

15.5 RECORDATION. This Lease shall not be recorded without the prior consent of Landlord. Upon the request of Landlord, Tenant shall execute a short form of this Lease which may be recorded in Landlord's sole discretion.

15.6 NOTICE TO MORTGAGEE. After receiving written notice from any person, firm or other entity that it holds a mortgage (which term shall include a deed of trust) which includes as part of the mortgaged property the Demised Premises, Tenant shall so long as such mortgage is outstanding be required to give to such holder a duplicate notice of any notice required to be given to Landlord by this Lease. It is further agreed that such holder shall have the same opportunity to cure any default, and the same time within which to effect such curing, as is avoidable to Landlord; and if necessary to cure such a default, such holder shall have access to the Demised Premises.

ARTICLE XVI -- LANDLORD DEFAULT

16.1 DEFAULT NOTICE TO LANDLORD. Should Landlord default in the performance of any of the covenants on the part of the Landlord to be kept or performed and such default shall continue for thirty (30) days after written notice to Landlord from Tenant specifying such default, or should any warranty or representation made by Landlord be untrue and remain untrue after thirty (30) days after written notice from Tenant specifying such untruth, then and only in such event, shall termination of this Lease be effected or action taken or remedy pursued. If the default or untruth is of such character so as to require more than thirty (30) days to remedy, the Landlord shall have a reasonable period in which to remedy the same, provided Landlord is proceeding diligently. Tenant waives its right to make repairs at Landlord's expense.

ARTICLE XVII - MISCELLANEOUS PROVISIONS

17.1 HOLDING OVER. In the event that Tenant shall continue to occupy the demised Premises after the expiration of the term of this Lease or written extension of the term hereof without entering into a new Lease or written extension of the term hereof said tenancy shall be construed to be a "tenancy from month to month" upon all of the other terms and conditions herein contained, except where same are not applicable, and except that the rental during such holdover period shall be the then current "base rent" plus thirty percent (30%) thereof and all "additional rent" shall continue to be paid. Nothing contained in this Lease shall grant Tenant any right to hold over.

17.2 WAIVER. Failure on the part of the Landlord to complain of any action or non-action on the part of Tenant, no matter how long the same may continue, and no matter what other action or non-action by Tenant that Landlord has already complained of shall never be deemed to be a waiver by Landlord of any of his rights hereunder. Further, it is covenanted and agreed that no waiver at any time of any of the provisions hereof by Landlord, shall be construed as a waiver of any of the other provisions hereof and that a waiver at any time of any of the provisions hereof shall not be construed as a waiver at any subsequent time of the same

provisions. The consent or approval of the Landlord to or of any action by Tenant requiring Landlord's consent or approval shall not be deemed to waive or render unnecessary Landlord's consent or approval to or of any subsequent similar act by Tenant.

No payment by Tenant, or acceptance by Landlord, of a lesser amount than shall be due from Tenant to Landlord, even after demand by Landlord for rent pursuant to Tenant's rent default shall be treated otherwise than a payment on account. The acceptance by Landlord of a check for a lesser amount with an endorsement or statement thereon, or upon any letter accompanying such check, that said lesser amount is payment in full shall be given no effect, and Landlord may accept such check without prejudice to any further rights or remedies which Landlord may have against Tenant. Further, failure of the Landlord to bill timely for taxes or other additional rent as heretofore required shall not be deemed a waiver of Tenant's liability to pay same.

17.3 COVENANT OF QUIET ENJOYMENT. Tenant, subject to the terms and provisions of this Lease, on payment of the rent and observing, keeping and performing all of the terms and provisions of this Lease on its part to be observed, kept and performed, shall lawfully, peaceably and quietly have, hold occupy and enjoy the Demised Premises during the term hereof without hindrance or objection by any persons lawfully claiming under Landlord.

17.4 ENTIRE AGREEMENT. This Lease is executed in identical counterparts, each of which, when bearing original initials of the parties on each page and at each change in the text hereof as well as original signatures at the end of each document, shall constitute an original for all purposes. All previous agreements, whether oral or written, are superseded by and merged into this Lease. Subsequent change shall not be binding unless reduced to writing and signed by the parties hereto.

17.5 INVALIDATION OF PARTICULAR PROVISIONS. If any clause, term or provision of this Lease, or the application thereof to any person or circumstance shall to any extent, be invalid or unenforceable, the remainder of this lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law. It is the intention of the parties hereto that in lieu of each clause, term or provision of this Lease that is illegal invalid or unenforceable, there be added as part of this Lease a clause, term or provision similar to such illegal invalid or unenforceable clause, term or provision as may be possible and would be legal valid and enforceable.

17.6 PROVISIONS BINDING, ETC. Except as herein otherwise expressly provided, the terms hereof shall be binding upon and shall inure to the benefit of the heirs, successors, assigns and legally appointed representative, respectively, of the Landlord and the Tenant. Each term and each provision of this Lease to be performed by Tenant shall be construed to be both a covenant and a condition.

17.7 GOVERNING LAW. The laws of the State of Minnesota shall govern the interpretation, validity, performance and enforcement of this Lease.

17.8 NOTICES. Any notice which is required under this Lease shall be deemed "given" upon hand delivery or three (3) days after prepaid posting in the U. S. Mail whichever shall first occur. Notice shall be addressed to the addresses listed below or to any other address as shall be designated by written notice:

If to Landlord: Brooklyn Center EDA
c/o General Manager
Earle Brown Heritage Center
6155 Earle Brown Drive
Brooklyn Center, MN 55430

If to Tenant: Brooklyn Bridge Alliance for Youth
6235 Earle Brown Drive, #200
Brooklyn Center, MN 55430

Where in this Lease a certain number of days from date of notice to a given action is specified, unless the specific provision otherwise states, the days shall be counted as follows: The first calendar day shall be excluded and the last day shall be included, unless the last day is a Saturday, Sunday, or legal holiday, in which event the period shall be extended to include the next day which is not a Saturday, Sunday or legal holiday.

17.9 DATE OF LEASE. All references to the "date of this Lease" or "date hereof shall be deemed to be that date on which all parties hereto have executed this Lease.

17.10 HEADINGS. The heading, section numbers and article numbers appearing in this Lease are not intended in any manner to define, limit or describe the scope of any such section or article and are solely inserted for ready reference purposes.

17.11 PRONOUNS. As utilized in this Lease, the "singular" pronouns shall include the it plural", and the "masculine" shall include the "feminine" and the "neuter", and vice versa, unless a contrary intent specifically appears.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures the day and year first above written.

LANDLORD: Economic Development Authority of the City of Brooklyn Center

BY: _____
ITS: President

BY: _____

ITS: Executive Director

TENANT: BROOKLYN BRIDGE ALLIANCE FOR YOUTH.

BY: _____
ITS: _____

EXHIBIT A
DEMISED PREMISES

That part of the following described real property:

Tract F, Registered Land Survey No. 1594, Hennepin County, Minnesota

Upon which is situated the structure known as “Farm House” as depicted on the site plan below:

Commissioner introduced the following resolution and moved
its adoption:

EDA RESOLUTION NO. _____

RESOLUTION AUTHORIZING LEASE EXTENSION FOR BROOKLYN
BRIDGE ALLIANCE FOR YOUTH AT EARLE BROWN HERITAGE CENTER

WHEREAS, the Executive Director has reported the Brooklyn Bridge Alliance for Youth's lease of the Earle Brown Heritage Center Farm House has expired; and

WHEREAS, the Brooklyn Bridge Alliance for Youth wishes to continue using the space; and

WHEREAS, staff continues to believe this use constitutes the highest and best use of the space.

NOW, THEREFORE, BE IT RESOLVED by the Economic Development Authority in and for the City of Brooklyn Center, Minnesota, that the Executive Director is authorized to execute a lease extension for Brooklyn Bridge Alliance for Youth's use of the Earle Brown Heritage Center Farm House.

October 22, 2018

Date

President

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

**Council/EDA Work
Session**

City Hall Council Chambers
October 22, 2018

AGENDA



The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

ACTIVE DISCUSSION ITEMS

1. Consider Amending Chapter 12 of the City Code Adopting the International Property Maintenance Code

PENDING LIST FOR FUTURE WORK SESSIONS

1. Future Pending Items
 - Cities United Membership
 - Livable Wages
 - Transient Accommodations - November
 - Liquor/Public Dance Ordinance - November
 - Tenant Protection Ordinance
 - Affordable Housing Recommendations
 - On-Street Parking Conditions

MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/22/2018

TO: Curt Boganey, City Manager

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Consider Amending Chapter 12 of the City Code Adopting the International Property Maintenance Code

Recommendation:

- Consider providing direction to staff regarding the adoption of the International Property Maintenance Code.

Background:

The City of Brooklyn Center has maintenance standards for all properties within the City, which are adopted as part of Chapter 12 of the City Code, Building Maintenance and Occupancy Ordinance. The purpose of the ordinance is to regulate the maintenance of properties in the City in order to protect the public health, safety, and general welfare of the people of the City.

The International Property Maintenance Code (IPMC) is an international code that has been adopted by many other cities to be used as their maintenance standards. The IPMC encompasses maintenance provisions in a more uniform, standardized way.

The positive aspects of adopting the IPMC:

- The ordinance has been nationally recognized as a uniform standard.
- The ordinance has been court tested.
- It's written to address most property types.
- There are ongoing updates to the code as housing standards change.
- The maintenance codes tie in with the building and residential codes.

Cities that adopt the IPMC may adopt the regulations in their entirety, or may make amendments to them in order to address the specific needs of the community.

Overview:

Staff reviewed the IPMC in order to determine how it compares with the City's current regulations and to identify if it would provide a benefit to the community. After an in-depth review, Staff has determined that the IPMC is a more thorough and detailed maintenance standard than the City's existing regulations. The IPMC has specific maintenance standards that are addressed in each category.

Staff is offering the IPMC, with recommended amendments, to the City Council for consideration as a replacement for the City's existing property maintenance provisions.

Proposed Amendments to Chapter 12 of the City Code:

- Chapter 12-201 Definitions: Remove certain definitions which would be duplicative of definitions in

the IPMC.

- Chapter 12-301 through Chapter 12-805 would be replaced by the adoption of the IPMC, with the exception the following sections of Chapter 12, which are items not otherwise addressed by the IPMC:
 - Chapter 12-314: Snow Removal
 - Chapter 12-709: Facilities to Function
 - Chapter 12-711: Yard Cover
 - Chapter 12-713: Waste container Screening

Highlights of the International Property Maintenance Code:

The International Property Maintenance Code consists of eight chapters.

- Chapter 1: Addresses the procedures to be followed when enforcing the IPMC.
- Chapter 2: Definitions of terms used within the IPMC.
- Chapter 3: General maintenance standards including exterior maintenance, unsafe conditions, etc.
- Chapter 4: Requirements relating to light, ventilation and occupancy limitations.
- Chapter 5: Requirements relating to plumbing and fixtures. The current city code does not specifically address any plumbing maintenance standards.
- Chapter 6: Requirements for mechanical and electrical requirements such as heating facilities and electrical systems.
- Chapter 7: Fire safety requirements.
- Chapter 8: Standards that are referenced throughout the IPMC.

Proposed Amendments to the International Property Maintenance Code:

Staff is suggesting several changes to the IPMC in order to allow it to fit better into the City's existing regulations and processes.

- Reference Minnesota Building Codes, versus International Building Codes, throughout the document.
- Chapter 111.2 to Section 111.2.5 of the IPMC be struck since Chapter 12 already directs who the appeal board members are.
- Definitions that are not adopted in Chapter 202 are already defined in other chapters of the City Ordinance. An example is inoperable vehicle, which is already defined in Chapter 19 of the City Ordinance.
- Chapter 302.4: Weeds is already defined and outlined in Chapter 19 of the City Ordinance.
- Chapter 308: Rubbish and Garbage is not adopted since it is already discussed in other City Ordinances.
- Chapter 309: Pest Elimination language has been simplified holding the owner of the property responsible for pest elimination.

Policy Issues:

- Does the City Council want to adopt the IPMC?
- Does the City Council see a benefit to having a uniform maintenance code?
- Does the City Council want the Housing Commission to review the proposed amendments and offer a recommendation?

Strategic Priorities and Values:

Safe, Secure, Stable Community

2018

INTERNATIONAL CODES

IPMC[®]

A Member of the International Code Family

INTERNATIONAL
PROPERTY MAINTENANCE CODE[®]



2018

INTERNATIONAL CODES®

2018 I-CODE BONUS OFFER

Get a **free 45-day online subscription** to ICC's *premiumACCESS™* 2018 I-Codes Complete Collection. Test drive many powerful, time-saving tools available to you from *premiumACCESS*. To activate your bonus, visit www.iccsafe.org/codebonus.

IPMC®

A Member of the International Code Family®

INTERNATIONAL
PROPERTY MAINTENANCE CODE®



2018 International Property Maintenance Code→

First Printing: August 2017

ISBN: 978-1-60983-748-8 (soft-cover edition)

COPYRIGHT © 2017
by
INTERNATIONAL CODE COUNCIL, INC.

Date of First Publication: August 31, 2017

ALL RIGHTS RESERVED. This 2018 *International Property Maintenance Code*→ is a copyrighted work owned by the International Code Council, Inc. Without advance written permission from the copyright owner, no part of this book may be reproduced, distributed or transmitted in any form or by any means, including, without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying or recording by or in an information storage retrieval system). For information on use rights and permissions, please contact: Publications, 4051 Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

Trademarks: “International Code Council,” the “International Code Council” logo, “ICC,” the “ICC” logo, “International Property Maintenance Code,” “IPMC” and other names and trademarks appearing in this book are trademarks of the International Code Council, Inc., and/or its licensors (as applicable), and may not be used without permission.

PRINTED IN THE U.S.A.

PREFACE

Introduction

The *International Property Maintenance Code*® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. This 2018 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council® (ICC®), including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*®, *International Mechanical Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Swimming Pool and Spa Code*®, *International Wildland-Urban Interface Code*®, *International Zoning Code*® and *International Code Council Performance Code*®.

The I-Codes, including this *International Property Maintenance Code*, are used in a variety of ways in both the public and private sectors. Most industry professionals are familiar with the I-Codes as the basis of laws and regulations in communities across the U.S. and in other countries. However, the impact of the codes extends well beyond the regulatory arena, as they are used in a variety of nonregulatory settings, including:

- Voluntary compliance programs such as those promoting sustainability, energy efficiency and disaster resistance.
- The insurance industry, to estimate and manage risk, and as a tool in underwriting and rate decisions.
- Certification and credentialing of individuals involved in the fields of building design, construction and safety.
- Certification of building and construction-related products.
- U.S. federal agencies, to guide construction in an array of government-owned properties.
- Facilities management.
- “Best practices” benchmarks for designers and builders, including those who are engaged in projects in jurisdictions that do not have a formal regulatory system or a governmental enforcement mechanism.
- College, university and professional school textbooks and curricula.
- Reference works related to building design and construction.

In addition to the codes themselves, the code development process brings together building professionals on a regular basis. It provides an international forum for discussion and deliberation about building design, construction methods, safety, performance requirements, technological advances and innovative products.

Development

This 2018 edition presents the code as originally issued, with changes reflected in the 2003 through 2015 editions and further changes developed through the ICC Code Development Process through 2016. A new edition of the code is promulgated every 3 years.

This code is intended to establish provisions that adequately protect public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcement officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The ICC Code Development Process reflects principles of openness, transparency, balance, due process and consensus, the principles embodied in OMB Circular A-119, which governs the federal government's use of private-sector standards. The ICC process is open to anyone; there is no cost to participate, and people can participate without travel cost through the ICC's cloud-based app, cdp-Access[®]. A broad cross section of interests are represented in the ICC Code Development Process. The codes, which are updated regularly, include safeguards that allow for emergency action when required for health and safety reasons.

In order to ensure that organizations with a direct and material interest in the codes have a voice in the process, the ICC has developed partnerships with key industry segments that support the ICC's important public safety mission. Some code development committee members were nominated by the following industry partners and approved by the ICC Board:

- American Institute of Architects (AIA)
- National Association of Home Builders (NAHB)

The code development committees evaluate and make recommendations regarding proposed changes to the codes. Their recommendations are then subject to public comment and council-wide votes. The ICC's governmental members—public safety officials who have no financial or business interest in the outcome—cast the final votes on proposed changes.

The contents of this work are subject to change through the code development cycles and by any governmental entity that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the I-Code development procedure is thorough and comprehensive, the ICC, its members and those participating in the development of the codes disclaim any liability resulting from the publication or use of the I-Codes, or from compliance or noncompliance with their provisions. The ICC does not have the power or authority to police or enforce compliance with the contents of this code.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Committee Action Hearings by the International Property Maintenance Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Committee Action Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

- [A] = Administrative Code Development Committee;
- [F] = International Fire Code Development Committee;
- [P] = International Plumbing Code Development Committee;
- [BE] = IBC—Egress Code Development Committee; and
- [BG] = IBC—General Code Development Committee.

For the development of the 2021 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years.

Group A Codes (Heard in 2018, Code Change Proposals Deadline: January 8, 2018)	Group B Codes (Heard in 2019, Code Change Proposals Deadline: January 7, 2019)
International Building Code – Egress (Chapters 10, 11, Appendix E) – Fire Safety (Chapters 7, 8, 9, 14, 26) – General (Chapters 2–6, 12, 27–33, Appendices A, B, C, D, K, N)	Administrative Provisions (Chapter 1 of all codes except IECC, IRC and IgCC, administrative updates to currently referenced standards, and designated definitions)
International Fire Code	International Building Code – Structural (Chapters 15–25, Appendices F, G, H, I, J, L, M)
International Fuel Gas Code	International Existing Building Code
International Mechanical Code	International Energy Conservation Code—Commercial
International Plumbing Code	International Energy Conservation Code—Residential – IECC—Residential – IRC—Energy (Chapter 11)
International Property Maintenance Code	International Green Construction Code (Chapter 1)
International Private Sewage Disposal Code	International Residential Code – IRC—Building (Chapters 1–10, Appendices E, F, H, J, K, L, M, O, Q, R, S, T)
International Residential Code – IRC—Mechanical (Chapters 12–23) – IRC—Plumbing (Chapters 25–33, Appendices G, I, N, P)	
International Swimming Pool and Spa Code	
International Wildland-Urban Interface Code	
International Zoning Code	
Note: Proposed changes to the ICC <i>Performance Code</i> ™ will be heard by the code development committee noted in brackets [] in the text of the ICC <i>Performance Code</i> ™.	

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold Committee Action Hearings in different years, proposals for the IPMC will be heard by committees in both the 2018 (Group A) and the 2019 (Group B) code development cycles.

For instance, every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, which is part of the Group B portion of the hearings. This committee will hold its Committee Action Hearings in 2019 to consider code change proposals for Chapter 1 of all I-Codes except the *International Energy Conservation Code*, *International Residential Code* and *International Green Construction Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2019.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC website at www.iccsafe.org/scoping.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2015 edition. Deletion indicators in the form of an arrow (·) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Coordination of the International Codes

The coordination of technical provisions is one of the strengths of the ICC family of model codes. The codes can be used as a complete set of complementary documents, which will provide users with full integration and coordination of technical provisions. Individual codes can also be used in subsets or as stand-alone documents. To make sure that each individual code is as complete as possible, some technical provisions that are relevant to more than one subject area are duplicated in some of the model codes. This allows users maximum flexibility in their application of the I-Codes.

Italicized Terms

Words and terms defined in Chapter 2, Definitions, are italicized where they appear in code text and the Chapter 2 definition applies. Where such words and terms are not italicized, common-use definitions apply. The words and terms selected have code-specific definitions that the user should read carefully to facilitate better understanding of the code.

Adoption

The International Code Council maintains a copyright in all of its codes and standards. Maintaining copyright allows the ICC to fund its mission through sales of books, in both print and electronic formats. The ICC welcomes adoption of its codes by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC.

The ICC also recognizes the need for jurisdictions to make laws available to the public. All I-Codes and I-Standards, along with the laws of many jurisdictions, are available for free in a nondownloadable form on the ICC's website. Jurisdictions should contact the ICC at adoption@iccsafe.org to learn how to adopt and distribute laws based on the *International Property Maintenance Code* in a manner that provides necessary access, while maintaining the ICC's copyright.

To facilitate adoption, several sections of this code contain blanks for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. For this code, please see:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2018 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code*:

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in *italics*. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance is provided regarding tense, gender and plurality of defined terms as well as terms not defined in this code.

Chapter 3 General Requirements. Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purposes of Chapter 4 are to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumb-waiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building’s occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

TABLE OF CONTENTS

CHAPTER 1 SCOPE AND ADMINISTRATION	1	402 Light	17
PART 1—SCOPE AND APPLICATION	1	403 Ventilation	17
Section		404 Occupancy Limitations	18
101 General	1	CHAPTER 5 PLUMBING FACILITIES AND	
102 Applicability	1	FIXTURE REQUIREMENTS	21
PART 2—ADMINISTRATION AND		Section	
ENFORCEMENT	2	501 General	21
Section		502 Required Facilities	21
103 Department of Property Maintenance		503 Toilet Rooms	21
Inspection	2	504 Plumbing Systems and Fixtures	21
104 Duties and Powers of the Code Official	2	505 Water System	22
105 Approval	3	506 Sanitary Drainage System	22
106 Violations	3	507 Storm Drainage	22
107 Notices and Orders	3	CHAPTER 6 MECHANICAL AND ELECTRICAL	
108 Unsafe Structures and Equipment	4	REQUIREMENTS	23
109 Emergency Measures	5	Section	
110 Demolition	6	601 General	23
111 Means of Appeal	6	602 Heating Facilities	23
112 Stop Work Order	7	603 Mechanical Equipment	23
CHAPTER 2 DEFINITIONS	9	604 Electrical Facilities	24
Section		605 Electrical Equipment	24
201 General	9	606 Elevators, Escalators and Dumbwaiters	25
202 General Definitions	9	607 Duct Systems	25
CHAPTER 3 GENERAL REQUIREMENTS	11	CHAPTER 7 FIRE SAFETY REQUIREMENTS . . .	27
Section		Section	
301 General	11	701 General	27
302 Exterior Property Areas	11	702 Means of Egress	27
303 Swimming Pools, Spas and Hot Tubs	12	703 Fire-resistance Ratings	27
304 Exterior Structure	12	704 Fire Protection Systems	28
305 Interior Structure	14	705 Carbon Monoxide Alarms and Detection	31
306 Component Serviceability	14	CHAPTER 8 REFERENCED STANDARDS	33
307 Handrails and Guardrails	15	APPENDIX A BOARDING STANDARD	35
308 Rubbish and Garbage	15	Section	
309 Pest Elimination	15	A101 General	35
CHAPTER 4 LIGHT, VENTILATION AND		A102 Materials	35
OCCUPANCY LIMITATIONS	17	A103 Installation	35
Section		A104 Referenced Standard	35
401 General	17	INDEX	37

CHAPTER 1

SCOPE AND ADMINISTRATION

User note:

About this chapter: Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Sections 101 and 102) and Part 2—Administration and Enforcement (Sections 103 – 112). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable.

This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the property owner and building occupants.

PART 1 — SCOPE AND APPLICATION

SECTION 101 GENERAL

[A] **101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of ~~—[NAME OF JURISDICTION]~~ City of Brooklyn Center, hereinafter referred to as “this code.”

[A] **101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner’s authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

[A] **101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, owner’s authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner’s* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the ~~*International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code*~~ and NFPA 70 Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the ~~*International Zoning Code, City of Brooklyn Center Zoning Code*~~.

[A] **102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

[A] **102.5 Workmanship.** Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer’s instructions.

[A] **102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

in Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code, Chapter 8 and considered part of the requirements of this

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed

2018 INTERNATIONAL PROPERTY MAINTENANCE CODE®

1

SCOPE AND ADMINISTRATION

code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

[A] 103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 103.4.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful

discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.] City of Brooklyn Center Fee Schedule.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, owner's authorized agent or other person having charge or control of the structure or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 104.4 Identification. The *code official* shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

[A] 104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105 APPROVAL

[A] 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided that the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

[A] 105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] 105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 105.4 Used material and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] 105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106 VIOLATIONS

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is: delivered personally, or sent by certified or first-class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code*

Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or owner’s authorized agent where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The *code official* shall order the *owner* or owner’s authorized agent of any *premises* upon which is located any structure, which in the *code official*’s or owner’s authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner*’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* or owner’s authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

110.2 Notices and orders. Notices and orders shall comply with Section 107.

110.3 Failure to comply. If the *owner* of a *premises* or owner’s authorized agent fails to comply with a demolition

order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

[A] 111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within **2010** days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

~~**[A] 111.2 Membership of board.** The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

~~**[A] 111.2.1 Alternate members.** The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~**[A] 111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.~~

~~**[A] 111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~**[A] 111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~**[A] 111.2.5 Compensation of members.** Compensation of members shall be determined by law.~~

[A] **111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within ~~2030~~ days of the filing of an appeal, or at stated periodic meetings.

[A] **111.4 Open hearing.** Hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

[A] **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] **111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] **111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

[A] **111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112 STOP WORK ORDER

[A] **112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] **112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] **112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] **112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars; not to exceed \$1,000.~~

CHAPTER 2

DEFINITIONS

User note:

About this chapter: Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code, or NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY

REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[BG] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking

and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

~~**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets,*

DEFINITIONS

halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

~~**INOPERABLE MOTOR VEHICLE.** A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of

any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

~~**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.~~

[BG] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

User note:

About this chapter: Chapter 3 is broad in scope and includes a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of the structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Specifically, Chapter 3 contains criteria for the maintenance of building components; vacant structures and land; the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; extermination of insects and rodents; access barriers to swimming pools, spas and hot tubs; vehicle storage and owner/occupant responsibilities.

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. This section is revised in its entirety. This section will reference City Code 19-1601 to 19-1604 ~~*Premises and exterior property shall be maintained free from weeds or plant growth in excess of*~~ **[JURIS-**

~~**DICTION TO INSERT HEIGHT IN INCHES].** Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.~~

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes and a licensed contractor that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and [XTI] in good repair.

~~**302.8** This section will not be adopted. **Motor vehicles.** Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any *premises*, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.~~

~~**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.~~

GENERAL REQUIREMENTS

302.9302.8 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304

EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than

decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed sur-

faces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from ~~the~~ **[DATE] to [DATE] May 1 to October 31**, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. ~~Exterior doors~~ **Doors**, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a

GENERAL REQUIREMENTS

walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement hatchways* that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code ~~International Building Code or the International Existing Building Code~~ as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code ~~*International Building Code or the International Existing Building Code*~~ as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration.*
 - 2.2. *Ultimate deformation.*
 - 2.3. Fractures.

- 2.4. Fissures.
- 2.5. Spalling.
- 2.6. Exposed reinforcement.
- 2.7. *Detached*, dislodged or failing connections.
- 3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*.
 - 3.2. Corrosion.
 - 3.3. Elastic deformation.
 - 3.4. *Ultimate deformation*.
 - 3.5. Stress or strain cracks.
 - 3.6. Joint fatigue.
 - 3.7. *Detached*, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*.
 - 4.2. *Ultimate deformation*.
 - 4.3. Fractures in masonry or mortar joints.
 - 4.4. Fissures in masonry or mortar joints.
 - 4.5. Spalling.
 - 4.6. Exposed reinforcement.
 - 4.7. *Detached*, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*.
 - 5.2. Elastic deformation.
 - 5.3. *Ultimate deformation*.
 - 5.4. Metal fatigue.
 - 5.5. *Detached*, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation.
 - 6.2. Deterioration.
 - 6.3. Damage from insects, rodents and other vermin.
 - 6.4. Fire damage beyond charring.
 - 6.5. Significant splits and checks.
 - 6.6. Horizontal shear cracks.
 - 6.7. Vertical shear cracks.
 - 6.8. Inadequate support.
 - 6.9. Detached, dislodged or failing connections.
 - 6.10. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an *approved* method.
- 2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

~~**308.1** This section will not be adopted. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.~~

~~**308.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.~~

~~**308.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.~~

~~**308.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.~~

~~**308.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

~~**308.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.~~

~~**308.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.~~

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes and licensed contractor that will not be injurious to human health. After pest

GENERAL REQUIREMENTS

elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure or during occupancy.

~~**309.3 Single occupant.** The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.~~

~~**309.4 Multiple occupancy.** The *owner* of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an *occupant* to prevent such infestation in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.~~

309.5309.3 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

User note:

About this chapter: Chapter 4 sets forth requirements to establish the minimum environment for occupiable and habitable buildings by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding.

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the [Minnesota Residential Code](#), [Minnesota Building Code](#), [Minnesota Energy Code](#), [Minnesota Mechanical and Fuel Gas Code](#), [Minnesota Plumbing Code](#), [Minnesota Fire Code](#), [Minnesota Electrical Code](#) ~~[International Building Code](#)~~ shall be permitted.

than residential occupancies, interior and exterior means of egress, stairways

SECTION 402 LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb [or equivalent](#) for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other

shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens, and the similar appliances shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions and meet Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units, hotel units, housekeeping units, rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of ~~3 feet (914 mm)~~ 30 inches (762 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. *Dwelling units* shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm)

in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

User note:

About this chapter: Chapter 5 establishes minimum sanitary and clean conditions in occupied buildings by containing requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal systems and related plumbing fixtures. Chapter 5 includes requirements for providing potable water to a building and the basic fixtures to effectively utilize and dispose of that water.

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall

be provided to the toilet facilities at all times during *occupancy of the premises*.

SECTION 503 TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

[P] **504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

[P] **505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code~~International Plumbing Code.~~

[P] **505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

[P] **505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

[P] **505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] **505.5 Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

[P] **505.5.1 Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the *International Plumbing Code*.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] **506.1 General.** Plumbing fixtures shall be properly connected to ~~either a public sewer system or to an approved private sewage disposal system.~~

[P] **506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] **506.3 Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

SECTION 507 STORM DRAINAGE

[P] **507.1 General.** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

User note:

About this chapter: Chapter 6 establishes minimum performance requirements for heating, electrical and mechanical facilities serving existing structures, such as heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code~~*International Plumbing Code*~~. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from ~~[DATE] to [DATE]~~ September 1 to May 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor

design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

~~**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.~~

Exceptions:

- ~~1. Processing, storage and operation areas that require cooling or special temperature conditions.~~
- ~~2.3. Areas in which persons are primarily engaged in vigorous physical activities.~~

~~**602.5**~~ **602.4 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the

MECHANICAL AND ELECTRICAL REQUIREMENTS

fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code ~~*International Building Code*~~.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.

8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code ~~*International Building Code*~~.

604.3.2.2 604.3.2.1 Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and fur-

nace room shall contain not less than one electric

luminaire.

Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606

ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumb-waiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in Minnesota Residential Code, Minnesota Building Code, Minnesota Energy Code, Minnesota Mechanical and Fuel Gas Code, Minnesota Plumbing Code, Minnesota Fire Code, Minnesota Electrical Code ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607

DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

User note:

About this chapter: Chapter 7 establishes fire safety requirements for existing structures by containing requirements for means of egress, including path of travel, required egress width, means of egress doors and emergency escape openings, and for the maintenance of fire-resistance-rated assemblies, fire protection systems, and carbon monoxide alarm and detection systems.

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *Minnesota Fire Code International Fire Code*.

[F] 702.2 Aisles. The required width of aisles in accordance with the *Minnesota Fire Code International Fire Code* shall be unobstructed.

[F] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Minnesota Fire Code International Building Code*.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

[F] 703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the *Minnesota Fire Code International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 111.2 of the *Minnesota Fire Code International Fire Code*.

[F] 703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

[F] 703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

[F] 703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

[F] 703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

[F] 703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

[F] 703.4.1 Signs. Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

[F] 703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

[F] 703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

[F] 703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

[F] 703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

[F] 703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the Minnesota Fire Code. ~~Inter-national Fire Code~~. New floor openings in existing buildings shall comply with the Minnesota Fire Code ~~International Building Code~~.

[F] 703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704 FIRE PROTECTION SYSTEMS

[F] 704.1 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the Minnesota Fire Code. ~~International Fire Code~~ in an operative condition at all times, and shall be replaced or repaired where defective.

[F] 704.1.1 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

[F] 704.1.2 Required fire protection systems. Fire protection systems required by this code, the Minnesota Fire Code. ~~International Fire Code or the International Building Code~~ shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code, the Minnesota Fire Code. ~~International Fire Code or the International Building Code~~ has been granted shall be considered to be a required system.

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following Minnesota Fire Code. ~~International Fire Code~~ requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.

13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.20.
16. Wet-chemical extinguishing systems, see Section 904.5.

[F] 704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

**TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

[F] 704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

[F] 704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

[F] 704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* Minnesota Fire Code to bring the systems back in service.

[F] 704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *Minnesota Fire Code* International Fire Code.

[F] 704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

[F] 704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

~~**[F] 704.4.2 Removal of existing occupant-use hose lines.** The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:~~

- ~~1. The installation is not required by the *International Fire Code* or the *International Building Code*.~~
- ~~2. The hose line would not be utilized by trained personnel or the fire department.~~
- ~~3. The remaining outlets are compatible with local fire department fittings.~~

[F] 704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *Minnesota Fire Code* International Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

[F] 704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

[F] 704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.45 of the *Minnesota Fire Code* International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

[F] 704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

[F] 704.6 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

[F] 704.6.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

[F] 704.6.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including basements but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following

locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

~~**[F] 704.6.1.4 Installation near bathrooms.** Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.~~

[F] 704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

[F] 704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

[F] 704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

- ~~1.~~ The fire alarm system shall comply with all applicable requirements in Section 907 of the Minnesota Fire Code. ~~*International Fire Code*~~.
- ~~2.1.~~ Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the Minnesota Fire Code. ~~*International Fire Code*~~.
- ~~3.~~ Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, ~~provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *International Fire Code*~~.

[F] 704.7 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION

[F] 705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with ~~Section 1103.9 MN Statute 299F.50 and 299F.51~~ of the Minnesota Fire Code. ~~*International Fire Code*~~, except that alarms in dwellings covered by the Minnesota Fire Code, ~~*International Residential Code*~~ shall be installed in accordance with Section R315 of that code.

[F] 705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

CHAPTER 8

REFERENCED STANDARDS

User note:

About this chapter: This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Two Park Avenue
New York, NY 10016-5990

ASME A17.1—2016/CSA B44—16: Safety Code for Elevators and Escalators
606.1

ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428-2959

F1346—91 (2010): Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

IBC—18: International Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

IECC—18: International Energy Conservation Code®
102.3

IEBC—18: International Existing Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

IFC—18: International Fire Code®
102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1,
704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

IFGC—18: International Fuel Gas Code®
102.3, 201.3

IMC—18: International Mechanical Code®
102.3, 201.3

IPC—18: International Plumbing Code®
102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

IRC—18: International Residential Code®
102.3, 201.3

IZC—18: International Zoning Code®
102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

- 10—17: Standard for Portable Fire Extinguishers**
Table 704.2
- 12—15: Standard on Carbon Dioxide Extinguishing Systems**
Table 704.2
- 12A—15: Standard on Halon 1301 Fire Extinguishing Systems**
Table 704.2
- 17—17: Standard for Dry Chemical Extinguishing Systems**
Table 704.2
- 17A—17: Standard for Wet Chemical Extinguishing Systems**
Table 704.2
- 25—17: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems**
Table 704.2
- 70—17: National Electrical Code**
102.3, 201.3, 604.2
- 72—16: National Fire Alarm and Signaling Code**
Table 704.2
- 80—16: Standard for Fire Doors and Other Opening Protectives**
703.3.3, 703.4
- 105—16: Standard for Smoke Door Assemblies and Other Opening Protectives**
703.3.2
- 204—15: Standard for Smoke and Heat Venting**
Table 704.2
- 720—15: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment**
[F] 705.2
- 750—14: Standard on Water Mist Fire Protection Systems**
Table 704.2
- 2001—15: Standard on Clean Agent Fire Extinguishing Systems**
Table 704.2

UL

Underwriters Laboratories, LLC
333 Pfingsten Road
Northbrook, IL 60062

- 268—09: Smoke Detectors for Fire Alarm Systems**
704.6.4

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this appendix: Appendix A provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality. These requirements also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure. It is important to note that the provisions of Appendix A are not mandatory unless specifically referenced in the adopting ordinance of the authority having jurisdiction.

A101 GENERAL

A101.1 General. Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102 MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $\frac{1}{2}$ -inch-thick (12.7 mm) wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $\frac{3}{8}$ -inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103 INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be pre-

drilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104 REFERENCED STANDARD

IBC—18 International Building Code A102.1,
A102.2, A102.3

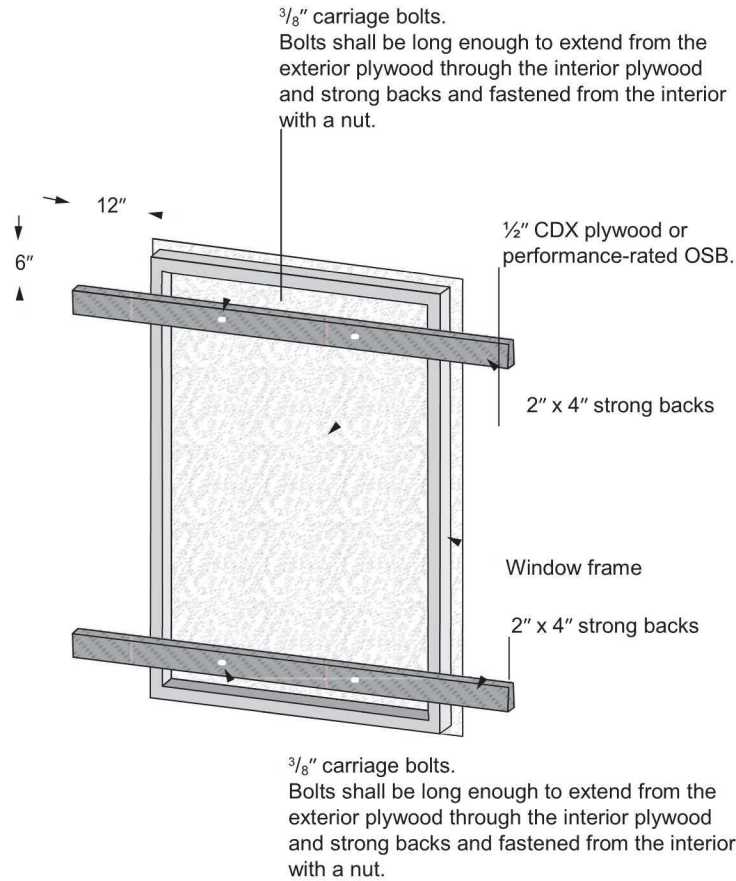
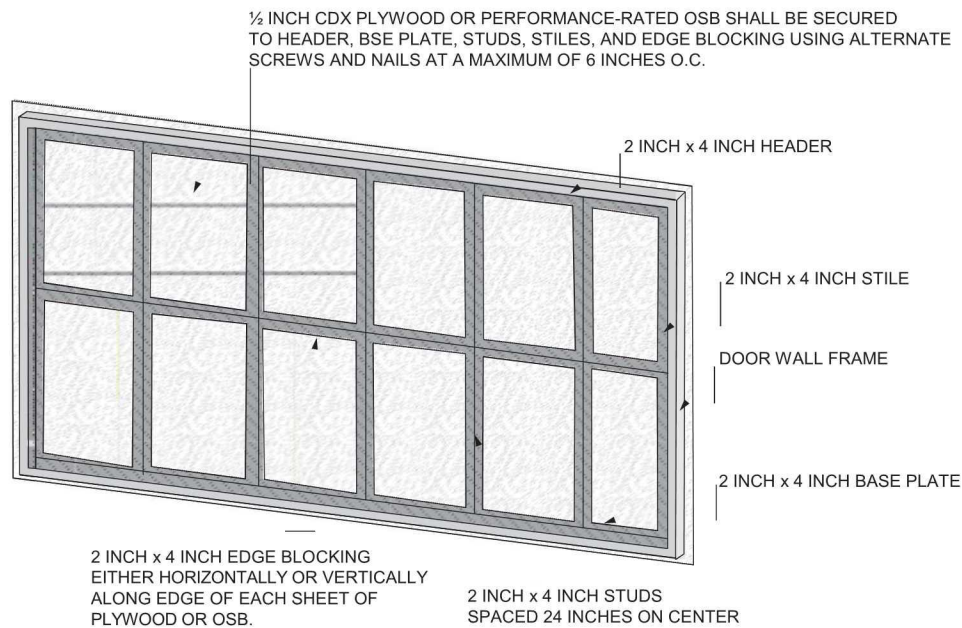


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW



For SI: 1 inch = 25.4 mm.

FIGURE A103.1(2)
BOARDING OF DOOR WALL

INDEX

A

ACCESS

Emergency egress	702
From bedrooms	404.4.2
Plumbing fixtures, access for cleaning	504.2
To public way	702.1
Toilet room as passageway	503.1
Water closet	404.4.3

ADJACENT

Privacy (hotel units, rooming units)	404.1
--	-------

ADMINISTRATION

Scope	101.2
-------------	-------

AGENT (See also OPERATOR, OWNER)

Definition	202
------------------	-----

AIR

Combustion air	603.5
----------------------	-------

AISLES

Minimum width	702.2
---------------------	-------

ALTERATION

Applicability of other codes	102.3
Inspection	104.2
Prosecution	106.3
Unlawful acts	106.1

ANCHOR

Anchored, definition	202
Architectural trim	304.8
Signs, marquees and awnings	304.9
Unsafe conditions	304.1.1

APPEAL

Application	111.1
Board decision	111.6
Board of appeals	111.2
Court review	111.7
Disqualification	111.2.3
Financial interest	111.2.3
Hearing, emergency orders	109.6
Membership	111.2
Notice of appeal	111.1
Postponed hearing	111.5
Records	104.6
Right to appeal	111.1
Vote	111.6

APPLIANCE

Cooking	403.3, 602.2
Mechanical	603.1

APPLICABILITY

Application of references	102.9
General	102.1

Other laws	102.10
Referenced codes and standards	102.7

APPROVAL

Alternatives	105.2
Authority	104.1, 105.2
Modifications	105.1
Research reports	105.6
Used material and equipment	105.4

APPROVED

Alternative materials, methods and equipment	105.2
Definition	202
Energy conservation devices	603.6
Garbage storage facilities	308.3.1
Modifications	105.1
Used materials and equipment	105.4

ARTIFICIAL

Lighting of habitable rooms.	401.3
Lighting of other spaces	402.3

AUTOMOBILE

Motor vehicles.	302.8
----------------------	-------

AWNING

Signs, marquees and awnings	304.9
-----------------------------------	-------

B

BALCONY

Handrails and guardrails	304.12
--------------------------------	--------

BASEMENT

Definition	202
Hatchways	304.16
Windows	304.17

BATHROOM

Common bathrooms	502.3, 503.1
Hotels	502.3
Lighting	605.3
Locks.	503.1
Outlets required	605.2
Privacy	503.1
Ventilation	403.2

BATHTUB

Dwelling units	502.1
Rooming houses	502.2
Sewage system.	506.1
Water-heating facilities	505.4
Water system	505.1

BOARDING

Boarding standard.	Appendix A
-------------------------	------------

BOILER

Unsafe equipment 108.1.2

C

CAPACITY

Heating facilities. 602.2, 602.3, 602.4

CAR (See AUTOMOBILE)

CARBON MONOXIDE ALARMS AND DETECTION

Installation 705.1

Maintenance 705.2

CEILING

Basement rooms 404.3

Fire-resistance ratings 703.1

Interior surfaces 305.3

Minimum height 404.3

Sleeping rooms 404.3

CHANGE, MODIFY

Application of other codes 102.3

CHIMNEY

Exterior structure 304.11

Flue 603.2, 603.3

CLEANING

Access for cleaning 504.2

Disposal of garbage 308.3

Disposal of rubbish 308.2

Interior and exterior sanitation 308.1

Interior surfaces 305.3

Plumbing facilities, maintained 504.1

Required plumbing facilities 502

Responsibility of persons 305.1

Trash containers 308.3.2

Vacant structures and land 301.3

CLEARANCE

Heating facilities 603.3

Plumbing fixtures 504.2

CLOSING

Streets 109.3

Vacant structures 108.2

CLOTHES DRYER

Exhaust 403.5

CODE OFFICIAL

Condemnation 108.1

Demolition 110

Duties 104

Emergency order 109

Enforcement authority 104.1

Failure to comply with demolition order 110.3

Identification 104.3

Inspections 104.2

Liability, relief of personal 103.4

Membership of board of appeals 111.2

Notice of violation. 104.5, 107

Notices and orders 107

Official records 104.6

Personal liability 103.4

Placarding 108.4

Prosecution 106.3

Removal of placard 108.4.1

Right of entry 104.3

Transfer of ownership 107.6

Vacant structures 108.2

Voting of appeals board 111.2, 111.6

COMBUSTION

Combustion air 603.5

COMPONENT SERVICEABILITY

Unsafe conditions 306.1.1

CONDEMNATION

Closing of vacant structures 108.2

Failure to comply 110.3

General 108.1

Notices and orders 108.2, 108.3

Placarding 108.4

Removal of placard 108.4.1

CONFLICT

Conflict of interest 111.2.3

Violations 106.1

CONNECTION

Sewage system 506.1

Water heating 505.4

Water system 505.1

CONSTRUCTION

Existing structures 101.2

CONTAINER

Garbage 308.3.2

Rubbish storage 308.2.1

CONTINUOUS

Unobstructed egress 702.1

CONTROL

Rodent control 302.5, 304.5

Safety controls 603.4

Weed 302.4

COOLING

Cooling towers 304.11

CORRIDOR

Accumulation of rubbish 308.1

Light 402.2

Lighting fixtures 605.3

Obstructions 702.1, 702.2

Ratings maintained 703

D

DAMP, DAMPNES

- Roofs 304.7
- Window, door frames 304.13

DANGEROUS, HAZARDOUS

- Condemnation 108.1
- Demolition 110
- Electrical hazards 604.3, 604.3.1
- Existing remedies 102.4
- Imminent danger 202
- Unsafe equipment 108.1.2
- Unsafe structures or premises 108.1.5

DECKS

- Handrails and guardrails 304.12
- Maintenance 304.2, 304.10

DEMOLITION

- Existing remedies 102.4
- Failure to comply 110.3
- General 110
- Order 110.2
- Salvage materials 110.4

DETECTORS

- Smoke 704

DETERIORATION

- Components of systems 306.1.1
- Definition 202
- Exterior structure 304.1.1
- Exterior walls 304.6

DIRECT

- Egress 702.1

DISPOSAL

- Disposal of garbage 308.3
- Disposal of rubbish 308.2

DOOR

- Exit doors 702.3
- Fire 703.2
- Hardware 304.15
- Insect screens 304.14
- Interior surfaces 305.3
- Locks 304.15, 702.3
- Maintenance 304.13, 304.15
- Weather tight 304.13
- Window and door frames 304.13

DORMITORY (ROOMING HOUSE, HOTEL, MOTEL)

- Locked doors 702.3
- Privacy 503.1, 503.2

DRAFT STOPPING

- Maintenance 703.3.1

DRAIN, DRAINAGE

- Basement hatchways 304.16

- Plumbing connections 506
- Storm drainage 507

DUCT

- Exhaust duct 304.9
- Duct systems 607

DUST

- Process ventilation 403.4

DWELLING

- Cleanliness 305.1, 308.1
- Definition 202
- Electrical 604.1
- Heating facilities 602
- Required facilities 502

E

EGRESS

- Aisles 702.2
- Emergency escape 702.4
- General 702.1
- Lighting 402.2
- Locked doors 702.3
- Obstructions prohibited 702.1
- Stairs, porches and railings. 304.10, 305.4, 305.5, 307.1

ELECTRIC, ELECTRICAL EQUIPMENT

- Abatement of hazards, fire exposure 604.3.2
- Abatement of hazards, water exposure 604.3.1
- Condemnation 108.1
- Electrical equipment 604.3.1.1
- Facilities required 604.1
- Hazards 604.3
- Installation 605.1
- Lighting fixtures 605.3
- Receptacles 604.3, 605.2
- Responsibility 601.2
- Service 604.2

ELEVATOR, ESCALATORS, DUMBWAITERS

- Condemnation 108.1
- General 606.1
- Maintenance 606.1, 606.2

EMERGENCY

- Emergency escape openings 702.4
- Emergency measures 109
- Emergency orders 109.1

ENFORCEMENT

- Duties and powers 104
- Scope 101.2

EQUIPMENT

- Alternative 105.2
- Combustion air 603.5

Condemnation	108.1.2, 108.3
Electrical installation	605.1
Emergency order	109.1
Energy conservation devices	603.6
Installation	603.1
Interior structure	305.1
Placarding	108.4, 108.5
Prohibited use	108.5
Responsibility	601.2
Safety controls	603.4
Scope	101.2
Scope, mechanical and electrical	601.1
Support, definition	202
Unsafe	108.1.2
Used	105.4
EXHAUST	
Clothes dryer	403.5
Exhaust ducts	304.9
Process ventilation	403.4
EXISTING	
Remedies	102.4
Scope	101.2
Structural members	304.1.1, 304.4
Structures	101.3
EXTERIOR	
Decorative features	304.8
Exterior structure	304
Exterior walls	304.6
Painting	304.2, 304.6
Rodent harborage	302.5, 304.5
Sanitation	304.1
Scope	301.1
Stair	304.10
Street numbers	304.3
Unsafe conditions	304.1.1
Weather tight	304.13

F

FAN	
Exhaust vents	302.6
FEES, EXPENSES, COST	
Closing vacant structures	108.2
Demolition	110.1, 110.3, 110.4
Extermination	309.2, 309.3, 309.4, 309.5
General	103.5
Relief from personal liability	103.4
FENCE	
Accessory	302.7
Maintenance	304.2
FIRE	
Blocking Maintenance	703.3.1

FIRE DEPARTMENT

Connection access	704.5.1, 704.5.2
Connections	704.5

FIRE PROTECTION SYSTEMS

Emergency impairments	704.3.1
Equipment	704.4, 704.4.1, 704.4.2
Inspection	704.1, 704.1.3, 704.2
Installation	704.1.1
Maintenance	704.1, 704.1.3, 704.2
Out of service	704.3
Records of maintenance	704.2.1
Required systems	704.1.2, 704.2.2
Smoke alarms	704.6
Smoke detections systems	704.6.4
Termination of service	704.4.3
Testing	704.1, 704.1.3, 704.2

FIRE-RESISTANCE RATINGS

Ceilings	703.5
Draft stopping	703.3.1
Fire barriers	703.3.3
Fire blocking	703.3.1
Fire partitions	703.3.3
Fire walls	703.3.3
Maintenance	703.3
Opening protective	703.4
Shafts	703.7
Smoke barriers	703.3.2
Smoke partitions	703.3.2
Unsafe conditions	703.2

FLAMMABLE LIQUID

Containers	108.1.2
----------------------	---------

FLOOR, FLOORING

Area for sleeping purposes	404.4.1
Fire-resistance ratings	703.1
Interior surfaces	305.1, 305.3
Space requirements	404.4.1, 404.6

FOOD PREPARATION

Cooking equipment	403.3
Sanitary condition	305.1, 404.7
Ventilation	403.4

FOUNDATION

Condemnation	108.1.1
Foundation walls	304.5
Unsafe conditions	304.1.1, 305.1.1

FRAME

Window and door frames	304.13
----------------------------------	--------

G

GAS

Energy conservation devices	603.6
Exhaust vents	302.6

GLAZING

Materials 304.13.1

GRADE

Drainage 302.2, 507

GUARD

Anchorage and maintenance 304.12

Basement windows 304.18.2

Definition 202

H

HABITABLE

Definition 202

Light 402

Minimum ceiling height 404.3

Minimum room width 404.2

Required plumbing facilities 502

Residential heating facilities 602.2, 602.3

Space requirements 404.4.1

Ventilation 403

HANDRAILS AND GUARDRAILS

Handrails 304.12, 305.5, 307.1

Stairs and porches 304.10

HARDWARE

Door hardware 304.15, 702.3

Openable windows 304.13.2

HAZARDOUS (See DANGEROUS, HAZARDOUS)

HEAT, HEATING

Energy conservation devices 603.6

Fireplaces 603.1

Heating 603.1

Mechanical equipment 603.1

Required capabilities 602

Residential heating 602.2, 602.3

Supply 602.3

Water heating facilities 505.4

Water system 505

HEIGHT

Minimum ceiling height 404.3

HOT (See HEAT, HEATING)

**HOTELS, ROOMING HOUSES AND DORMITORY
UNITS, MOTELS**

Definition 202

Locked doors 702.3

Required facilities 502

Toilet rooms 503

HOUSEKEEPING UNIT

Definition 202

I

IDENTIFICATION

Code official 104.4

INFESTATION

Condemnation 108.1.3

Definition 202

Insect and rodent 302.5, 304.14, 309.1

INSECTS

Infestation 309.1

Insect screens 304.14

Pest elimination 309

INSPECTIONS

General 104.2

Right of entry 104.3

INSPECTOR

Identification 104.4

Inspections 104.2

Records 104.6

INTENT

Code 101.3

INTERIOR

Interior structure 305

Interior surfaces 305.3

Means of egress 702

Sanitation 305.1

Unsafe conditions 305.1.1

J

JURISDICTION

Title 101.1

K

KITCHEN

Electrical outlets required 605.2

Minimum width 404.2

Prohibited use 404.4.4

Room lighting 605.3

Water heating facilities 505.4

L

LANDING

Handrails and guards 304.12,
305.5, 306.1

Maintenance 304.10, 305.4

LAUNDRY

Room lighting 605.3

Water-heating facilities 505.4

LAVATORY

Hotels	502.3
Required facilities	502
Rooming houses	502.2
Sanitary drainage system	506
Water-heating facilities	505.4
Water system	505

LEASE (SELL, RENT)

Heat supplied	602.3
Salvage materials	110.4
Transfer of ownership	107.6

LIEN

Closing of vacant structures	108.2
Demolition	110.3
Failure to comply	110.3

LIGHT, LIGHTING

Common halls and stairways	402.2, 605.3
General	402
Habitable rooms	402.1
Kitchen	605.3
Laundry rooms	605.3
Luminaires	605.3
Other spaces	402.3
Responsibility	401.2
Scope	101.2
Toilet rooms	605.3

LIVING ROOM

Room area	404.4.1
-----------------	---------

LOAD, LOADING

Elevators, escalators and dumbwaiters	606.1
Handrails and guardrails	304.12, 305.5
Live load	304.4, 305.2
Stairs and porches	304.10, 305.2
Structural members	304.4, 305.2

M

MAINTENANCE

Required	102.2
----------------	-------

MATERIAL

Alternative	105.2
Salvage	110.4
Used	105.4

MEANS OF EGRESS (See EGRESS)

MECHANICAL

Installation	603.1
Responsibility	601.2
Scope	601.1
Ventilation, general	403
Ventilation, toilet rooms	403.2

MINIMUM

Ceiling height	404.3
----------------------	-------

Room area	404.4.1
Room width	404.2

MODIFICATION

Approval	105.1
----------------	-------

MOTEL (See HOTELS)

MOTOR VEHICLES

Inoperative	302.8
Painting	302.8

N

NATURAL

Lighting	401.3, 402
Ventilation	401.3, 403

NOTICES AND ORDERS

Appeal	111.1
Form	107.2
Method of service	107.3
Orders	107
Owner, responsible person	107.1
Penalties	107.5
Placarding of structure	108.4
Transfer of ownership	107.6
Unauthorized tampering	107.4
Vacating structure	108.2

NOXIOUS

Process ventilation	403.4
Weeds	302.4

NUISANCE

Closing of vacant structures	108.2
------------------------------------	-------

O

OBSTRUCTION

Light	402.1
Right of entry	104.3

OCCUPANCY (See USE)

OPENABLE

Locked doors	702.3
Windows	304.13.2, 403.1

OPENING PROTECTIVES

Closers	703.8
Door operation	703.4.3
Hold-open devices	703.4.2
Maintenance	703.4
Signs	703.4.1
Testing	703.6

OPERATOR

Definition	202
------------------	-----

ORDER (See NOTICE)

ORDINANCE, RULE

Applicability	102
Application for appeal	111.1

OUTLET

Electrical..... 605.2

OWNER

Closing of vacant structures 108.2
 Definition 202
 Demolition 110
 Failure to comply 110.3
 Insect and rat control 302.5, 309.2, 309.4
 Notice 107.1, 108.3
 Pest elimination 309.2
 Placarding of structure 108.4
 Responsibility 301.2
 Responsibility, fire safety 701.2
 Responsibility, light, ventilation 401.2
 Responsibility, mechanical and electrical 601.2
 Responsibility, plumbing facilities 501.2
 Right of entry 104.3
 Rubbish storage 308.2.1
 Scope 101.2
 Transfer of ownership..... 107.6

P

PASSAGEWAY

Common hall and stairway 402.2
 Interior surfaces..... 305.3
 Toilet rooms, direct access..... 503.1

PENALTY

Notices and orders 107.5
 Placarding of structure 108.4
 Prohibited occupancy 108.5
 Removal of placard 108.4.1
 Scope 101.2
 Violations 106.4

PEST ELIMINATION

Condemnation 108.1
 Definition 202
 Insect and rodent control 302.5, 304.5, 304.14, 309.1
 Pest elimination 309.1
 Responsibility of owner. 301.2, 309.2
 Responsibility of tenant-occupant.309.3, 309.4, 309.5

PLACARD, POST

Closing 108.2
 Condemnation 108.1
 Demolition 110
 Emergency, notice..... 109.1
 Notice to owner. 107.1, 108.3
 Placarding of structure 108.4
 Prohibited use 108.5
 Removal 108.4.1

PLUMBING

Clean and sanitary 504.1

Clearance.....504.2
 Connections505.1
 Contamination.....505.2
 Employee's facilities503.3
 Fixtures504.1
 Required facilities.....502
 Responsibility.....501.2
 Sanitary drainage system506
 Scope.....501.1
 Storm drainage507
 Supply505.3
 Water heating facilities.....505.4

PORCH

Handrails304.12
 Structurally sound304.10

PORTABLE (TEMPORARY)

Cooking equipment603.1

PRESSURE

Water supply505.3

PRIVATE, PRIVACY

Bathtub or shower.....503.1
 Occupancy limitations404.1
 Required plumbing facilities502
 Sewage system.....506.1
 Water closet and lavatory503.1
 Water system505.1

PROPERTY, PREMISES

Cleanliness 304.1, 308.1
 Condemnation.....108
 Definition202
 Demolition110
 Emergency measures109
 Exterior areas.....302
 Failure to comply.....110.3
 Grading and drainage302.2
 Pest elimination, multiple occupancy . . . 302.5, 309.4
 Pest elimination, single occupancy 302.5, 309.3
 Responsibility.....301.2
 Scope.....301.1
 Storm drainage507
 Vacant structures and land301.3

PROTECTION

Basement windows304.17
 Fire protection systems.....704
 Signs, marquees and awnings.....304.9

PUBLIC

Cleanliness 304.1, 305.1
 Egress702.1
 Hallway502.3
 Sewage system.....506.1
 Toilet facilities 502.5, 503

Vacant structures and land.....	301.3
Water system.....	505

PUBLIC WAY

Definition.....	202
-----------------	-----

R

RAIN (PREVENTION OF ENTRY INTO BUILDING EXTERIOR ENVELOPE)

Basement hatchways	304.16
Exterior walls	304.6
Grading and drainage.....	302.2
Roofs	304.7
Window and door frames.....	304.13

RECORD

Official records.....	104.6
-----------------------	-------

REPAIR

Application of other codes	102.3
Chimneys.....	304.11
Demolition.....	110.1
Exterior surfaces.....	304.1
Intent.....	101.3
Maintenance	102.2
Signs, marquees and awnings	304.9
Stairs and porches.....	304.10
Weather tight	304.13
Workmanship.....	102.5

REPORTS

Test reports	105.3.2
--------------------	---------

RESIDENTIAL

Pest elimination	309
Residential heating	602.2
Scope	101.2

RESPONSIBILITY

Pest elimination	309
Fire safety.....	701.2
Garbage disposal	308.3
General.....	301.2
Mechanical and electrical	601.2
Persons	301.1
Placarding of structure.....	108.4
Plumbing facilities.....	501.2
Rubbish storage	308.2.1
Scope.	101.2, 301.1

REVOKE, REMOVE

Demolition.....	110
Existing remedies	102.4
Removal of placard.....	108.4.1
Rubbish removal.....	308.2.1

RIGHT OF ENTRY

Duties and powers of code official.....	104.3
Inspections	104.2

RODENTS

Basement hatchways	304.16
Condemnation.....	108
Foundations	304.5
Guards for basement windows.....	304.17
Harborage	302.5
Insect and rodent control.....	309.1
Pest elimination	302.5, 309

ROOF

Exterior structure.....	304.1
Roofs	304.7
Storm drainage.....	507

ROOM

Bedroom and living room	404.4
Cooking facilities	403.3
Direct access.....	503.2
Habitable	402.1
Heating facilities	602
Light.....	402
Minimum ceiling heights.....	404.3
Minimum width	404.2
Overcrowding	404.5
Prohibited use	404.4.4
Temperature.....	602.5
Toilet.....	503
Ventilation	403

ROOMING HOUSES (See DORMITORY)

RUBBISH

Accumulation.....	308.1
Definition	202
Disposal	308.2
Garbage facilities	308.3.1
Rubbish storage	308.2.1

S

SAFETY, SAFE

Fire safety requirements	701, 702, 703, 704
Safety controls	603.4

SANITARY

Cleanliness.	304.1, 305.1
Disposal of garbage	308.3
Disposal of rubbish.....	308.2
Exterior property areas.....	302.1
Exterior structure.....	304.1
Food preparation.....	404.7
Furnished by occupant.....	302.1
Grease interceptors.....	506.3
Interior surfaces	305.3
Plumbing fixtures.....	504.1
Required plumbing facilities	502
Scope	101.2

SCREENS

Insect screens 304.14

SECURITY

Basement hatchways 304.18.3
Building 304.18
Doors 304.18.1
Vacant structures and land 301.3
Windows 304.18.2

SELF-CLOSING SCREEN DOORS

Insect screens 304.14

SEPARATION

Fire-resistance ratings 703
Privacy 404.1
Separation of units 404.1

SERVICE

Electrical 604.2
Method 107.3
Notices and orders 107.1, 108.3
Service on occupant 108.3

SEWER

General 506.1
Maintenance 506.2

SHOWER

Bathtub or shower 502.1
Rooming houses 502.2
Water-heating facilities 505.4
Water system 505

SIGN

Fire door signs 703.4.1
Signs, marquees and awnings 304.9
Unauthorized tampering 107.4

SINGLE-FAMILY DWELLING

Extermination 309

SINK

Kitchen sink 502.1
Sewage system 506
Water supply 505.3

SIZE

Efficiency unit 404.6
Habitable room, light 402
Habitable room, ventilation 403
Room area 404.4.1

SMOKE ALARMS

Group R-1 704.6.1.1
Groups R-2, R-3, R-4 and I-1 704.6.1.2
Installation near bathrooms 704.6.1.4
Installation near cooking appliances 704.6.1.3
Interconnection 704.6.2
Power source 704.6.3
Testing 704.7
Where required 704.6.1

SPACE

General, light 402
General, ventilation 403
Occupancy limitations 404
Privacy 404.1
Scope 401.1

STACK

Smoke 304.11

STAIRS

Common halls and stairways, light 402.2
Exit facilities 305.4
Exterior property areas 302.3
Handrails. 304.12, 305.5
Lighting 605.3
Stairs and porches 304.10

STANDARD

Referenced 102.7

STOP WORK ORDER

Authority 112.1
Emergencies 112.3
Failure to comply 112.4
Issuance 112.2

STORAGE

Food preparation 404.7
Garbage storage facilities 308.3
Rubbish storage facilities 308.2.1
Sanitation 308.1

STRUCTURE

Accessory structures 302.7
Closing of vacant structures 108.2
Definition 202
Emergency measures 109
General, condemnation 110
General, exterior 304.1
General, interior structure 305.1
Placarding of structure 108.4
Scope 301.1
Structural members. 304.4, 305.2
Vacant structures and land 301.3

SUPPLY

Combustion air 603.5
Public water system 505.1
Water-heating facilities 505.4
Water supply 505.3
Water system 505

SURFACE

Exterior surfaces 304.2, 304.6
Interior surfaces 305.3

SWIMMING

Enclosure 303.2
Safety covers 303.2
Swimming pools 303.1

T**TEMPERATURE**

Nonresidential structures.....	602.4
Residential buildings	602.2
Water-heating facilities	505.4

TENANT

Scope	101.2
-------------	-------

TEST, TESTING

Agency.....	105.3.1
Methods.....	105.3.1
Reports	105.3.2
Required	105.3

TOXIC

Process ventilation	403.4
---------------------------	-------

TRASH

Rubbish and garbage	308
---------------------------	-----

U**UNOBSTRUCTED**

Access to public way	702.1
General, egress.....	702.1

UNSAFE STRUCTURES AND EQUIPMENT

Abatement methods	108.6
Dangerous structure or premises	108.1.5
Equipment	108.1.2
Existing remedies	102.4
General, condemnation	108, 110
General, demolition	110
Notices and orders.	107, 108.3
Record	108.7
Structures	108.1.1

USE

Application of other codes	102.3
General, demolition	110

UTILITIES

Authority to disconnect	108.2.1
-------------------------------	---------

V**VACANT**

Abatement methods	108.6
Authority to disconnect service utilities.....	108.2.1
Closing of vacant structures	108.2
Emergency measure	109
Method of service	107.3, 108.3
Notice to owner or to person responsible.	107, 108.3
Placarding of structure	108.4
Record	108.7
Vacant structures and land	301.3

VAPOR

Exhaust vents	302.6
---------------------	-------

VEHICLES

Inoperative	302.8
Painting	302.8

VENT

Plumbing hazard	504.3
Exhaust vents.....	302.6
Flue	603.2

VENTILATION

Clothes dryer exhaust	403.5
Combustion air	603.5
Definition	202
General, ventilation	403
Habitable rooms	403.1
Process ventilation	403.4
Recirculation	403.2, 403.4
Toilet rooms	403.2

VERMIN

Condemnation.....	108
Insect and rodent control	302.5, 309

VERTICAL SHAFTS

Required enclosure	703.7
--------------------------	-------

VIOLATION

Condemnation	108
Enforcement.....	106.2
General.....	106
Notice	107, 108.3
Separate offenses	106.4
Placarding of structure	108.4
Prosecution	106.3
Strict liability offense	106.3, 202
Transfer of ownership	107.6

W**WALK**

Sidewalks	302.3
-----------------	-------

WALL

Accessory structures	302.7
Exterior surfaces	304.2, 304.6
Exterior walls	304.6
Foundation walls	304.5
General, fire-resistance rating.....	703.1
Interior surfaces	305.3
Outlets required.....	605.2
Temperature measurement.....	602.5

WASTE

Disposal of garbage	308.3
Disposal of rubbish.....	308.2
Garbage storage facilities	308.3.1

WATER

Basement hatchways	304.16
Connections	506.1

Contamination	505.2
General, sewage	506
General, storm drainage.....	507
General, water system	505
Heating	505.4
Hotels	502.3
Kitchen sink	502.1
Nonpotable water reuse	505.5, 505.5.1
Required facilities	502
Rooming houses	502.2
Supply	505.3
System	505
Toilet rooms.....	503
Water-heating facilities	505.4
WEATHER, CLIMATE	
Heating facilities	602
WEEDS	
Noxious weeds	302.4
WIDTH	
Minimum room width	404.2
WINDOW	
Emergency escape.....	702.4
Glazing	304.13.1
Guards for basement windows.....	304.17
Habitable rooms	402.1
Insect screens	304.14
Interior surface	305.3
Light.....	402
Openable windows.....	304.13.2
Toilet rooms.....	403.2
Ventilation.....	403
Weather tight	304.13
Window and door frames	304.13
WORKMANSHIP	
General.....	102.5

BENEFITS THAT WORK FOR YOU

No matter where you are in your building career, put the benefits of ICC Membership to work for you!

Membership in ICC connects you to exclusive I-Codes resources, continuing education opportunities and **Members-Only** benefits that include:

- Free code opinions from I-Codes experts
- Free I-Code book(s) or download to new Members*
- Discounts on I-Code resources, training and certification renewal
- Posting resumes and job search openings through the ICC Career Center
- Mentoring programs and valuable networking opportunities at ICC events
- Free benefits — Corporate and Governmental Members: Your staff can receive free ICC benefits too*
- *Savings of up to 25% on code books and training materials and more*

Put the benefits of ICC Membership to work for you and your career. **Visit www.iccsafe.org/mem3 to join now or to renew your Membership.** Or call 1-888-ICC-SAFE (422-7233), ext. 33804 to learn more today!

* Some restrictions apply. Speak with an ICC Member Services Representative for details.

16-12897



ICC Plan Review Services... ***For the most detailed and precise*** ***Plan Reviews in the industry***

Ever wonder why code officials, architects and other building professionals value and accept ICC plan reviews?

- ***Experience*** - Our I-Code experts have expertise in ***ALL*** the International Codes® (I-Codes®)
- ***Detailed Report*** - identifies code deficiencies found
- ***Complimentary re-review of reissued plans****

Plus, ICC Plan Review Services has over 200 years of combined experience with applications of the codes, 6 registered design professionals on staff and 120 International Code Council Certifications, so you can be assured that ICC will deliver the most detailed and precise plan reviews in the industry.

**Applies to "Complete Plan Review Services". Contact ICC Plan Review staff for details.*

To get your plan review started now or to learn about disciplines reviewed, plan review options and more, visit **www.iccsafe.org/plr4** or call **888-422-7233, x5577**.

Looking for the missing piece?

Solve the puzzle and advance your career with ICC University

ICC University has been built from the ground up with you in mind.

Take advantage of tools to help you better track and manage your career growth and professional development, including automatic CEU tracking and simplified search options to find code training. Plan for your future and manage your professional development from one, easy-to-use location.



ICC University provides you with:

- Simplified access to over 300 training options
- Automatic CEU tracking to keep you on track for recertification
- Robust curriculums that identify supporting courses, publications and exam study materials to assist you in preparing for certification exams and achieving your next professional milestone
- The ability to purchase all courses, related publications and exam preparation materials – as well as register for certification exams – from a single screen
- And more!

www.iccsafe.org/ExploreICCU



INTERNATIONAL
CODE
COUNCIL

People Helping People Build a Safer World®

Valuable Guides to Changes in the 2018 I-Codes®

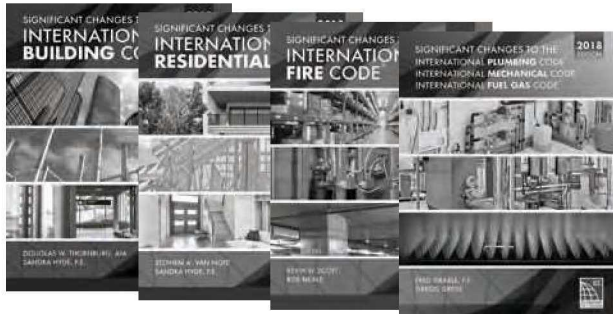
NEW!

FULL COLOR! HUNDREDS OF PHOTOS AND ILLUSTRATIONS

SIGNIFICANT CHANGES TO THE 2018 INTERNATIONAL CODES®

Practical resources that offer a comprehensive analysis of the critical changes made between the 2015 and 2018 editions of the codes. Authored by ICC code experts, these useful tools are “must-have” guides to the many important changes in the 2018 International Codes.

Key changes are identified then followed by in-depth, expert discussion of how the change affects real world application. A full-color photo, table or illustration is included for each change to further clarify application.



SIGNIFICANT CHANGES TO THE IBC, 2018 EDITION

#7024S18

SIGNIFICANT CHANGES TO THE IRC, 2018 EDITION

#7101S18

SIGNIFICANT CHANGES TO THE IFC, 2018 EDITION

#7404S18

SIGNIFICANT CHANGES TO THE IPC/IMC/IFGC, 2018 EDITION

#7202S18

ORDER YOUR HELPFUL GUIDES TODAY!

1-800-786-4452 | www.iccsafe.org/books

HIRE ICC TO TEACH

Want your group to learn the Significant Changes to the I-Codes from an ICC expert instructor?
Schedule a seminar today!

email: ICCTraining@iccsafe.org | phone: **1-888-422-7233 ext. 33818**

17-14098

MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/22/2018

TO: Curt Boganey, City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Future Pending Items

Recommendation:

- Cities United Membership
- Livable Wages
- Transient Accommodations - November
- Liquor/Public Dance Ordinance - November
- Tenant Protection Ordinance
- Affordable Housing Recommendations
- On-Street Parking Conditions

Background: