Council Study Session
City Hall Council Chambers
October 14, 2019

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 entrance of the council chambers.

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

2. **Miscellaneous**

   a. Beautification Task Force Additional Meeting Dates

   - Confirm additional dates for the City Council Beautification Task Force to meet.

   b. Schedule Opportunity Site Master Plan Special Work Session

   - Provide feedback to staff regarding dates to meeting to discuss the overall Opportunity Site Master planning process.

   c. Joint Meeting with Brooklyn Center School Board

   - Staff is requesting Council consensus on the joint meeting date of Monday, November 18, 5:45 pm to 8:00 pm between the Brooklyn Center Community School Board and the City Council.

   d. Every Hour Counts Conference Travel

3. **Discussion of Work Session Agenda Item as Time Permits**

4. **Adjourn**

Council Study Session

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Dr. Reggie Edwards, Deputy City Manager

SUBJECT: Beautification Task Force Additional Meeting Dates

Background:

This item is a continuation of the Council's participation in the Brooklyn Center Beautification and Public Art Program.

Staff is proposing to additional meetings for the Council including a final City Council Taskforce meeting and an All Taskforce (i.e. Council, Residents, and Staff) meeting.

The proposed dates are:

City Council Taskforce

- Tuesday, Oct. 22nd, 6:00pm - 7:30pm
- Wednesday, Oct. 23rd, 6:00pm - 7:30pm

All Taskforce

- Wednesday, Nov. 20th, 6:00pm - 8:00pm
- Thursday, Nov. 21, 6:00pm - 8:00pm
- Tuesday, Nov. 26, 6:00pm - 8:00pm

The primary focus for both meetings will be the development and review of the Brooklyn Center Beautification and Public Art Master Plan.

Budget Issues:

There would be a nominal cost for food.

Strategic Priorities and Values:

Enhanced Community Image

Council Study Session

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Devleopment Director

SUBJECT: Schedule Opportunity Site Master Plan Special Work Session

Background:

Staff is seeking to schedule a special work session with the City Council to discuss the Opportunity Site master planning process and next steps, as well as provide an update on community engagement activities.

Staff is requesting to meet with the City Council to discuss the overall master planning process, the timing and decision points in the process, and vision for the development.

At present staff is recommending to schedule the item over the Council's regularly scheduled November 12th City Council/EDA work session. The previously discussed date of November 4, 2019 does not work for our financial advisors.

Budget Issues:

Strategic Priorities and Values:

Targeted Redevelopment

Council Study Session

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Curt Boganey, City Manager

SUBJECT: Joint Meeting with Brooklyn Center School Board

Background:

At the August 26 City Council Open Forum, Brooklyn Center Community School Board Member, Mr. John Solomon spoke and expressed a desire by the School Board to hold a joint meeting with the Council. Mr. Solomon expressed that there are common interests in the health and well being of residents shared by both the School and City. By meeting together the two bodies may gain better understanding of what the two are doing and may work together on some endeavor. The Council agreed and consented that it was a good idea. Council directed staff to help coordinate such a meeting.

A planning group including the Mayor, City Manager, School Board Chair and School Superintendent has met twice to coordinate (i.e. establish dates, set agenda, establish meeting location, roles, etc.) a joint meeting between the two local government agencies.

The planning group, as outlined above, have planned out a meeting date and logistics for one of two meetings. The agenda for the first meeting is as follows:

- **Date** - Nov. 18, 2019
- **Location** - School Board Conference Room (Suite 286)
- **Activities** -
    - 5:45 pm - Dinner
    - 6:00 pm - 8:00 pm - Meeting and Adjourn

A second meeting has been discussed; however, the agenda and date will be dependent upon the first meeting. Thereby, the second meeting is yet to be determined.

Budget Issues:

The will be a modest cost for food.

Strategic Priorities and Values:

Operational Excellence

Council Study Session

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Curt Boganey, City Manager

FROM: Mayor Mike Elliott

SUBJECT: Every Hour Counts Conference Travel

Background:

The Brooklyn Bridge Alliance has asked the Mayor to join the Minnesota delegation to participate in the upcoming Every Hour Counts Institute. The conference is scheduled for November 7-8, 2019 in Denver, Colorado. The cost of registration and hotel will be covered by the Youthprise. The City would be required to pay the cost of transportation and meals. The estimated cost to the City is less than $300.

Because the travel by the Mayor exceeds the policy limit and the Council budget for travel has been expended, participation requires Council approval.

Should the City approve this travel if there are sufficient funds available in the Council overall budget or in contingency to cover the costs?

As a member of the Brooklyn Bridge Alliance Board of Directors, the Mayor's participation at this event might be considered beyond the general Mayoral duties around which the current policy was originally framed.

ATTACHMENTS:

Description	Upload Date	Type
Every Hour Counts	10/10/2019	Backup Material

Every Hour Counts: Expanding Learning, Expanding Opportunity

Every Hour Counts is a leading voice in promoting the work of building expanded-learning systems.

Every Hour Counts:

- Supports a community of practice by sharing promising practices and engaging in knowledge- sharing activities.
- Leads demonstration projects that test the feasibility of policy and practice concepts, and disseminates findings and tools for replication.
- Developed a Measurement Framework that describes common measures for outcomes at the youth, program and system levels. This framework provides a blueprint for coordinated accountability and improvement, so quality practices lead to measureable, improved outcomes for students.
- Catalyzes city-wide STEM initiatives in seven cities in partnership with the Noyce Foundation and STEM Next. These efforts shift a cultural mindset to make STEM an expectation in expanded learning and bridge the informal and formal sectors through collaborative teaching.
- Advocates for policy change. We partnered with Congressional leaders to develop the "Community Partnerships in Education Act," introduced by Congressman David Cicilline (RI) and Senator Sheldon Whitehouse (RI). This legislation resulted in a priority on partnerships and intermediaries in the Every Student Succeeds Act (ESSA).
- Convenes stakeholders to share knowledge and ideas. We host an annual national system-building institute that has attracted teams from more than 30 communities around the country.
- Provides local, customized technical assistance.

The Every Hour Counts coalition represents longstanding partnerships with more than 3,500 schools, districts, and community based-organizations that provide quality after-school and summer programming. Every Hour Counts partners and learning community members support initiatives that reach more than 500,000 students each year.

Every Hour Counts partner organizations:

After School Matters, Chicago
Boston After School & Beyond
Collective for Youth, Omaha
ExpandED Schools, New York City
Family League of Baltimore
Nashville After Zone Alliance
Partnership for Children and Youth, Bay Area
Prime Time Palm Beach County
Providence After School Alliance
Youthprise, Twin Cities, MN

Every Hour Counts learning communities:

Alleghany Partners for Out-of-School Time, Pittsburgh
Dallas Afterschool
Denver Afterschool Alliance
The Skillman Foundation, Detroit
California Teaching Fellows Foundation, Fresno
CASE, Houston
Youth Development Executives of King County, WA
Newark Thrives!
Next Up RVA, Richmond, VA
Greater Rochester After School Alliance
Sprockets, St Paul

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every hour counts
expanding learning so every student can thrive

From Idea to Action: National Institute for Building Expanded Learning Systems

November 7-8, 2019
Denver, Colorado

Six-Word Stories Quilt, created at the Every Hour Counts National Institute (Boston, 2018)

Are you interested in bringing high-quality expanded learning opportunities to scale in your community? Are you eager to hear first-hand from innovators about their experiences building systems? Do you want to connect with peers who are tackling similar challenges and figure out solutions together?

You and leaders from your community are invited to the Every Hour Counts National Institute.

Our Institute brings together more than 150 participants from 25 + community teams around the country to tap the expertise of Every Hour Counts organizations and to build on one another's ideas for developing and strengthening after-school, summer, and expanded learning programs that engage community partners and schools. This event is the only peer-to-peer learning institute for expanded-learning practitioners in the country.

We're proud to host this event in collaboration with the Denver Afterschool Alliance .

Together, we'll explore the following system-building challenges and pressing issues:

- **Scaling high-quality practices:** Discuss how to form authentic school and community partnerships that foster innovation, including student-centered learning approaches.
- **Defining and measuring success:** Learn about strategies to develop community consensus around shared outcomes, including collecting and sharing data, measuring social and emotional skills, and designing a continuous quality improvement system to drive improvement.
- **Sustainability:** Discuss effective strategies to build an expanded-learning system for the long haul through advocacy, communications, fundraising, and partnerships.
- **Equity:** Develop a greater capacity for thinking through your community's system-building efforts to better ensure your system is operating with racial equity at the forefront.
- **Governance structures:** Learn about the variety of coordinating models to strengthen the governance structure that best meets your local needs and context.

Communities are invited to bring teams of 3-5 leaders that may include the following stakeholder groups:

- Local intermediary
- School system partner
- Statewide Afterschool Network
- Local foundation
- Youth representatives
- Mayor's office or other government agency
- Professional development partner
- Program or direct service organization

Details

The Institute will begin on Thursday, November 7 at 8:00 a.m. and conclude on Friday, November 8 at 4:00 p.m. The event will be held at the Grand Hyatt Denver, 1750 Welton Street, Denver, Colorado.

Team leaders are invited to join The Wallace Foundation on the evening of Wednesday, November 6, for a reception and conversation focused on the latest successes, challenges and needs of communities building out-of-school time and expanded learning systems.

Cost
The registration fee for a community team of 3-5 representatives is $2750. The registration fee includes meals on both days and all materials. Participants are responsible for their own travel and lodging. We have a room block at the Grand Hyatt Denver for $225/night.

To save a spot for your community team, complete this **registration form** or **email Ally Margolis** , Policy & Communications Manager, Every Hour Counts, by Friday, August 30, 2019.

This event is made possible with support from The Wallace Foundation.

Prior events were held in Baltimore (2014), Oakland (2015), Chicago (2016), and Boston (2018).

A leader from Denver Public Schools had this to say about our Institute:

When we began talking about formalizing our system-building work in Denver more than five years ago we felt as though we were on an island. What exactly is after-school system building work? We've tried a lot of things and collaborated, but how do we turn that in to a system? Who is out there to learn from?

And there isn't a better group of leaders to learn from. There's no ego in the after-school field. It turns out system-building isn't an island at all, it's a deep, strong, rich community where we all know what matters most – our kids. And whether those kids live in Denver, or Seattle, or New Orleans, or Dallas, we are all willing to share ideas, to bounce things off each other, and to add to the collective pool of knowledge.

So we dipped in and we hope added to that pool of knowledge when we joined our colleagues from across the county, and we came home ready to act. Every staff team meeting we've had since we've returned someone has referenced something they heard from another city at the Every Hour Counts Institute. We know our work will be stronger this year as a result of our time with peer cities and we're excited to come back next year to share what we've put into action as a result.

Every Hour Counts is a coalition of citywide organizations that increases access to quality learning opportunities, particularly for underserved students.

The organization is a leading voice promoting expanded-learning systems, which provide learning and enrichment through after-school, summer, and other initiatives. Expanded-learning systems help students be more connected to school, build self-confidence, and connect with caring adults, so every student can thrive.

Stay in touch and follow us:

Confirm that you like this.

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CITY COUNCIL MEETING
City Hall Council Chambers
October 14, 2019

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 presenter. 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 presenter 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 entrance of the council chambers.

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 following minutes:

- *September 4, 2019 City Council/Financial Commission Joint meeting*
- *September 23, 2019 Regular Session*
- *September 23, 2019 Work Session*

b. Approval of Licenses

- Motion to approve licenses as presented.

c. Resolution Designating Polling Places for the City of Brooklyn Center for 2020 Elections

- Motion to approve a resolution Designating Polling Places for the City of Brooklyn Center for 2020 Elections.

d. Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2018-09, Water Tower No. 2 and Water Tower No. 3 Rehabilitation

- Approve a resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2018-09, Water Tower No. 2 and Water

Tower No. 3 Rehabilitation

e. Resolution Authorizing the Application and Execution of the Metropolitan Council Grant Agreement for Inflow and Infiltration

- Approve a resolution authorizing the application and execution of the Metropolitan Council grant agreement for inflow and infiltration

7. Presentations/Proclamations/Recognitions/Donations

a. Recognition for Retiring Paid on Call Firefighter Matt Koegl

- It is recommended that the City Council consider recognizing Firefighter Matt Koegl for 21 years of service to the City of Brooklyn Center

b. Recognition for Retiring Paid on Call Firefighter Keith Westerhoff

- It is recommended that the City Council consider recognizing Keith Westerhoff for 20 years of service to the City of Brooklyn Center

c. Fire Prevention Week

- Presentation of Fire Prevention Week activities

8. Public Hearings

a. An Ordinance Amending Chapter 11 of the City Code Regarding Liquor Penalties

- Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- Motion to approve the second reading, and adopt an Ordinance 2019-11 Amending Chapter 11 of the City Code of Ordinances Relating to Liquor Penalties

b. Liquor Violation for Jambo Africa

- Determine the violation fee for the liquor violation

c. Resolutions for Proposed Special Assessments for Nuisance Abatement Costs, Tall Grass and Weed Abatement Costs, Dead and Diseased Tree Abatement Costs and Administrative Fines/Citations

- Motion to:

- *Open the public hearings concurrently;*
- *Take public input; and*
- *Close the public hearings.*

-Motion to adopt Resolution Certifying Special Assessments for Nuisance Abatement Costs to the Hennepin County Property Tax Rolls

-Motion to adopt Resolution Certifying Special Assessments for Administrative Citations to the Hennepin County Property Tax Rolls

-Motion to Adopt Resolution Certifying Special Assessments for Diseased Tree Removal Costs to the Hennepin County Property Tax Rolls

-Motion to Adopt Resolution Certifying Special Assessments for Weed Removal Costs to the Hennepin County Property Tax Rolls

-Motion to Approve Resolution Certifying Special Assessments for 6842 West River Rd N Nuisance Abatements Costs to the Hennepin County Property Tax Rolls

d. An Ordinance Amending Chapter 12 of the City Code Adopting the International Property Maintenance Code

- Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- Motion to approve the second reading, and adopt Ordinance 2019-10 Amending Chapter 12 of the City Code of Ordinances Regarding Property Maintenance to Adopt the International Property Maintenance Code.

- Motion to approve a resolution approving a Summary Publication for Ordinance 2019-10.

e. Resolution Authorizing the Issuance, Sale, and Delivery of a Multifamily Housing Revenue Note Under Minnesota Statutes, Chapter 462C; Authorizing the Loan of the Proceeds of the Revenue Note to Brooklyn Center AH II, LLLP (REE Xerxes Avenue Senior Housing Project); And Approving the Form of and Authorizing the Execution and Delivery of the Note and Related Documents.

- Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- Motion to Approve Resolution Authorizing the Issuance, Sale, and Delivery of a Multifamily Housing Revenue Note Under Minnesota Statutes, Chapter 462C; Authorizing the Loan of the Proceeds of the Revenue Note to Brooklyn Center AH II, LLLP (REE Xerxes Avenue Senior Housing Project); Approving the Form of and Authorizing the Execution and Delivery of the Note and Related Documents.

f. An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding Uses Allowed in the General Industry (I-2) District - Second Reading / Public Hearing

- Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- Motion to approve a second reading, and adopt an ordinance amending

Chapter 35 of the City Code of Ordinances regarding uses allowed in the General Industry (I-2) District.

- Motion to approve a resolution approving a Summary Publication for Ordinance 2019-12.

9. **Planning Commission Items**
10. **Council Consideration Items**
11. **Council Report**
12. **Adjournment**

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve the following minutes:*
  - *September 4, 2019 City Council/Financial Commission Joint meeting*
  - *September 23, 2019 Regular Session*
  - *September 23, 2019 Work Session*

Background:

In accordance with MN Statute 15.17 and MN Statute 412.151, subd.1, attached for your approval are the minutes from the study session, regular session and work session.

Budget Issues:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
September 4 CC/FC Worksession	10/8/2019	Backup Material
September 23 Regular Meeting	10/7/2019	Backup Material
September 23 Work Session	10/7/2019	Backup Material

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

JOINT WORK SESSION
SEPTEMBER 4, 2019
CITY HALL – CITY COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 6:30 p.m.

Mayor Elliott stated tonight's meeting would include preliminary budget presentations from the Police Department and Fire Department.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, and Dan Ryan. Councilmember Kris Lawrence-Anderson was absent and excused. Also present were Financial Commissioners Tia Hedenland, Taneshia Kragness, and Abate Terefe. Also present were City Manager Curt Boganey, Police Chief Tim Gannon; Fire Chief Todd Berg; and Director of Fiscal & Support Services Nate Reinhardt.

APPROVAL OF AGENDA

There was a motion by Councilmember Ryan and seconded by Councilmember Butler to approve the agenda as submitted. The motion passed.

POLICE DEPARTMENT

Police Chief Tim Gannon gave a presentation on the staffing, budget, and goals of the Police Department, which maintains strategic partnerships with surrounding area agencies to assist with crime prevention. He reviewed current staffing levels, including 3 Division Commanders, a Support Services Manager, 7 Sergeants, 5 Detectives, a School Resource Officer, Juvenile Officer, and Auto Theft Officer. An internal Investigator position is being proposed for a 1-year assignment to focus on higher-level crimes.

Chief Gannon stated two new Patrol Officers are proposed for 2020, in addition to the existing 28 Patrol Officers. He added civilian positions include a Crime Prevention Specialist, Administrative Assistant, and 8 Records Technicians. He noted between 10-12 Community Service Officers are employed on a part-time basis.

Chief Gannon stated the Administrative Division, for which he has the responsibility, ensures proper and efficient allocation of funds and resources. He added the Investigative Division makes evidence

recovery and works with Child Protection Services as well as other judicial and administrative staff to handle all levels of crime investigation. He noted the Patrol Division responds to public safety calls for service, and the units work together to ensure best practices. A Community Liaison embedded with Patrol Officers is a Hennepin County employee.

Chief Gannon stated the Police Department is focused on crisis intervention and mental illness crisis conflict management and mediation. Policies are posted online and available to the public to increase transparency. A strong Facebook presence is maintained. Community Service Officers attend events and activities, many of which are youth events, to interact with the City's youth in non-enforcement opportunities. The Police Explorers are a group of local youth who are interested in a career in law enforcement.

Chief Gannon stated the Police Force works closely with the Multicultural Advisory Committee (MAC), a group of citizen volunteers, through monthly communication meetings to review community issues and information.

Chief Gannon stated the Police Cadet program fosters potential officer candidates and provides financial assistance with the agreement that they will become Brooklyn Center Police Officers when they graduate. He added eight cadets had been hired over the last ten years of this successful program. He noted they are required to stay in Brooklyn Center for a minimum of three years.

Chief Gannon stated he serves on the Brooklyn Bridge Alliance Board of Directors. He added a dedicated Youth Officer provides direct family support and administers juvenile diversion programs, including the Big Brother and Big Sister programs.

Chief Gannon stated a dedicated patrol team focuses on commercial zones within Brooklyn Center and works in partnership with Metro Transit.

Chief Gannon reviewed annual operating performance objectives. He added there were 376 crimes in Brooklyn Center and 362 crimes in Hennepin County, per 100,000 population, which is the first time that the City has been above the average, mainly due to new reporting requirements. He noted the goal is to be 10% below the average.

Chief Gannon stated the City of Brooklyn Center is 9% below the county average for burglaries.

Chief Gannon stated the Youth Diversion program is a priority for the Police Department and is currently in the 30-40% range with 103 referrals. He stressed the importance of ensuring the success of this program. He added Northern Star Diversion had provided services for several years.

Councilmember Graves asked whether every eligible youth is offered a referral, and how many are interested. She added some youth might not recognize the value of referral as it is not a requirement.

Chief Gannon stated there are criteria for eligibility based on the level of crime and whether they have completed the diversion program. He added it is often difficult to get in contact with the youth and their families, but the majority want to participate. He noted some youth might not live in Brooklyn Center and would not be eligible for the diversion program.

Councilmember Ryan asked whether the City should advocate for a County-wide diversion program that would remove barriers for youth for completion of these programs, like location and transportation.

Chief Gannon stated a juvenile diversion initiative is proposed at the County level that would get all cities within the County to participate in a consistent diversion program. He added City Staff had proposed similar initiatives with Crystal and Brooklyn Park to establish a cohesive program. He noted this would be beneficial because the repercussions of crime would be the same across City borders.

Chief Gannon stated body-worn camera compliance is being initiated in 2019. The Police Department maintains a less than 5% failure rate when recording does not happen. He added a portion of every police interaction is recorded.

Mayor Elliott asked whether there is an audit process. Chief Gannon stated the Fire Department complies with the State-mandated audit process, which occurs every two years. Videos are retained, and footage is classified. Random checks are also completed using computer-aided dispatch to ensure that footage is being recorded.

Councilmember Ryan requested that residents provide their name and address when they comment. Mayor Elliott stated he would take that under advisement.

The resident asked whether it is a City policy that she must provide her name and address.

Mr. Boganey stated a determination was recently made that a person who comes before the City Council to speak cannot be mandated to identify themselves.

Chief Gannon stated he is requesting two additional Patrol Officers for a total cost of $174,876, which was included in a staffing report submitted to the City Manager and Finance Director.

The resident stated the Police Department should focus its funding on officer training rather than hiring more Police Officers. She referred to a recent incident involving a Police Officer and an autistic resident. She noted the problem is lack of proper training.

Chief Gannon stated he does not believe the Police Officers are undertrained. He added that Police Officers undergo crisis intervention training and incident de-escalation. He noted additional staffers are required to successfully handle mental health calls as they take a lot of time, resources and officers, and residents want to see more of a police presence.

The resident stated 63% of Brooklyn Center's residents are people of color, and more police officers are not what the community needs. She added they want to have a positive relationship with the Police Department. She noted other communities have citizen interventions to help de-escalate mental health crises. She asked whether citizens could receive CPI training as well as CIT training and collaborate with police officers.

Chief Gannon stated the City of Minneapolis has a co-responder model, but the mediators are trained professionals that are collaborating within the Police Department. He added a mental health provider would not be involved in every police interaction, as they would not have appropriate training for potentially unsafe situations. He noted CIT is the standard for training at the national level.

Chief Gannon stated Hennepin County has indicated that they will only pay a portion of the Liaison salary. He added this position has been instrumental in bridging the gap between police and citizens. He noted Hennepin County also intends to cut funding for the Cadette program, which will be funded entirely by the City.

Commissioner Hedenland asked whether there will be funding for this program by Hennepin County in the future. Chief Gannon stated he understands that this will be the funding mechanism going forward.

Chief Gannon stated Hennepin County had experienced numerous fiscal challenges. He added it is appropriate for the City to pay its fair share of the Liaisons who work for Brooklyn Center.

A resident asked whether the Community Liaisons live in Brooklyn Center. She added they could not understand the community well enough to do the job if they do not live in Brooklyn Center. Chief Gannon stated Hennepin County selects the liaisons. He added the City could request that Hennepin County recruit Brooklyn Center residents to be liaisons in Brooklyn Center.

Mayor Elliott asked whether the City is involved in the hiring process. Chief Gannon stated the County puts out the job posting, and the City is involved in the interview process.

Councilmember Ryan stated he was involved in the MAC for many years, and they do a good job of community engagement and bringing people. He stressed the importance of involving youth from each of the communities.

A resident stated that the selection process for MAC volunteers should be less intimidating. She added she has attended meetings and applied to be on the committee, but she was concerned that the meetings are held at the Police Station. She noted there would be more young people if the process were not so intimidating.

Councilmember Graves agreed that the process is intimidating. She added people would feel more willing and empowered to speak up if the space is more inviting, and feedback is welcome.

Chief Gannon stated general operating expenses include drug testing kits and upgrades to the simulator gear lockers for more secure storage, as well as funding for correct video evidence labeling and coding for the Investigative Unit.

Chief Gannon stated an increase of $8,000 is requested for cell phone forensics training. He added the Police Department already has the necessary software but hopes to increase the pool of trained officers.

Chief Gannon stated the proposed budget includes funding for sexual assault training, that provides insight into the mindset of the victim. He added this is very important training and a major focus in law enforcement. He noted it is his goal to have all the officers certified in sexual assault training.

Chief Gannon stated the proposed budget includes $500 for expenses related to recruiting new officers. A request for $500 for uniform closets shelving is also included, as well as funds for general building maintenance and upgrades.

Chief Gannon stated officers are often called to fill a gap in Social Services, such as mental health intervention calls. He stressed the importance of developing relationships with residents, and one way this is being done is by having officers interact with students at Earle Brown Elementary during recess.

Commissioner Hedenland asked whether there are any bike cops in Brooklyn Center. Chief Gannon stated the Police Department has bikes, but due to staffing, they are not used as much as they would like.

Mayor Elliott asked whether the officers change their appearance when they interact with youth and residents. Chief Gannon confirmed this, adding they wear a soft polo shirt with a logo and cargo pants. He stated this is a good first step for recess and an open gym.

Mayor Elliott asked what kind of mental health services the Police Department has currently. Chief Gannon stated the Department has retained an on-call mental health professional, as well as a, debrief agent to discuss aftermath and resolution with officers. Funding is allocated for anonymous professional health services. He noted he respects and supports the officers, and there is a level of trust on both sides.

Mr. Boganey stated it is possible to obtain verification of costs associated with professional health services.

Commissioner Abate Terefe asked whether the officers are covered for mental health services under their insurance through the City. Chief Gannon stated the Employee Assistance Program is an option that has been utilized, but the police officers require more specialized support related to law-enforcement. He added they would also have to claim it on their insurance, and the Police Departments wants to preserve their anonymity.

Councilmember Graves asked whether the Police Department has a process for recommending mental health services for officers who suffer secondary trauma and if they are encouraged to seek help. Chief Gannon confirmed this.

Councilmember Graves asked how many officers live in Brooklyn Center. Chief Gannon stated there are several Police Department staff members who were born and raised in Brooklyn Center and are currently residents. He added there are challenges to living in the community where they patrol.

Councilmember Graves asked whether there is data regarding the number of complaints that have been made against officers, whether they were resolved, and what criteria are used in the complaint process.

Councilmember Graves requested clarification regarding data retention and body-worn cameras, which are included in the budget. She added she would support getting more information on police interactions. Chief Gannon stated data related to stops, searches conducted, the age of the individual and other information can be collected using a software program that the officers already have.

Mayor Elliott asked whether the Police Department has a relationship with ICE. Chief Gannon stated ICE agents are more engaged at the County level.

Councilmember Graves asked what steps are taken to recruit and retain younger, more diverse Police Officers. Chief Gannon stated officers are recruited and work within the organization toward culture-based goals. He added females in positions of authority have been successful. He noted there are many challenges to African American officers in terms of community interactions.

Mayor Elliott asked how CIT incorporates training for encounters with autistic people. Chief Gannon stated CIT includes autism spectrum training, identifying mental illness or disability, communication, and de-escalation.

FIRE DEPARTMENT

Fire Chief Todd Berg stated he is new to the Fire Chief position but has been with the Brooklyn Center Fire Department for over 30 years. He added the goal of the Fire Department is emergency preparedness and the protection of lives and property during emergencies. The Fire Department has four full-time employees and 24 paid-on-call employees, all of whom are members of the community. A 2-person duty crew staffs the West Fire Station 7 days a week from 10:00 a.m. – 10:00 p.m.

Chief Berg reviewed the Fire Department's strategic functions, including Administration, Fire Preventions, and Operations. The Fire Department responded to 1420 calls for service in 2018, and 921 calls for service to date in 2019, which is up 9% from the previous year. Firefighters are asked to attend over 200 hours of emergency preparedness training.

Councilmember Ryan asked whether the Fire Chief is still responsible for the City's comprehensive emergency response. Chief Berg confirmed this, adding it is a regional response managed by Hennepin County and requires some updates.

Chief Berg stated the Fire Department Staff consists of a full-time Fire Chief position, a full-time Deputy Chief, full-time Fire Inspector/Public Education Specialist, and full-time Administrative Coordinator, as well as seven paid-on-call Officers and 21 paid-on-call Firefighters. He added he hopes to add five paid-on-call Firefighters each year until the maximum charter of 40 Firefighters is reached.

Mayor Elliott asked how the Charter is established. Chief Berg stated the Charter was established in 1949. He added recruitment is a high priority for the Fire Department, as it is difficult to recruit and retain firefighters as they all work full-time jobs elsewhere. He noted he is considering a "ride-along" program for potential firefighters.

Councilmember Graves asked whether there is a cadet program. She added there might be young men and women who have just graduated from high school looking for a part-time position that could lead to a career. Fire Chief Berg stated the Explorers Program is similar to a cadet program.

Councilmember Butler asked whether the Fire Department employs Brooklynk interns. Chief Berg confirmed that there had been Brooklynk interns at the Fire Department for the past 3-4 years.

Councilmember Graves asked whether the Fire and Police Departments work together to recruit new staff. Chief Berg stated they are two very different career paths, and it would be difficult to recruit together. He added he hopes to work closer with MAC to involve the Fire Department to be more of a reflection of the community.

Chief Berg stated, concerning performance objectives and standards, response time is below the target of 9 minutes due to coding of the different types of fires. He added the Fire Department had met response time 76% of the time.

Chief Berg stated the Fire Department had developed a partnership with Century College, which offers Firefighter training programs twice a year. He added the Fire Department continues to implement a public awareness campaign, offering home safety surveys, distributing and installing smoke and carbon monoxide detectors for residents, and offering hands-free CPR training in collaboration with the Police Department. The Fire Department conducts fire preparedness training at elementary schools during Fire Prevention Week, the first week in October. Over 1200 students are educated and impacted by this program. Fire prevention and fall safety training is offered to older adults.

Chief Berg stated an annual emergency management tabletop exercise is planned involving City Staff, which is a practice simulation during which an emergency operations center and an incident command is opened, and key decision-makers are identified.

Mr. Boganey stated Mayor Elliott would be invited to attend that event.

Chief Berg stated the proposed budget increase of 7% includes the purchase of the second set of fire gloves for each firefighter. This is a necessary cost of $4,000 that will increase the safety and longevity of the firefighter's equipment.

Chief Berg stated the emergency preparedness budget increased 239% from 2018, due to the proposed one-time purchase of a portable message board for approximately $18,000. He added the message board would facilitate communication with residents and could be used by many different departments, including snow emergency notifications and other restrictions.

Councilmember Graves stated collaborative outreach and engagement might produce a bigger payoff. She added innovative ways to work together could be considered, including engaging with college students who might have more flexibility in their schedule.

Councilmember Graves stated it makes sense for Fire and Police Department to be recruiting at the high school. She added many young people are looking for jobs, and this type of career might not be something they have considered.

Mr. Boganey stated the Fire Department's paid-on-call model is the most cost-effective way of providing Firefighting services. He added it is the majority model in Minnesota, but it is increasingly difficult to recruit and retain qualified on-call Firefighters and will continue to be a challenge. He added if new recruitment ideas and methods are not successful, the City will have to move away from the paid-on-call model.

Chief Berg stated he has a lot of ideas, including tuition reimbursement and student housing.

Councilmember Graves stated Police Officers have a generally positive presence in Brooklyn Center, but they inevitably come up against real and imagined perceptions of police. She added Firefighters do not have those same issues. She added the two Departments working together could benefit employees as well as improve the overall image of public safety.

Mayor Elliott stated an agreement dealing with attrition could be considered.

Mr. Reinhardt provided a 10-year staffing summary for the City Council's review, as requested at a recent meeting.

Councilmember Ryan thanked Mr. Reinhardt for putting together the comparison, which was very helpful, and reflects demands made on City Staff.

Mayor Elliott asked whether there is data on part-time seasonal employees. Mr. Reinhardt agreed that could be provided, but it depends upon the time of year. He added there are 230-250 seasonal employees at any given time.

Mr. Boganey stated City Staff intends to come back with a balanced budget that falls within the 6% increase levy limit. He noted this would be presented at the Budget Work Session on September 16, 2019.

ADJOURNMENT

There was a motion by Councilmember Graves and seconded by Commissioner Ryan to adjourn the meeting. The motion passed. The Brooklyn Center City Council/Financial Commission adjourned at 9:18 p.m.

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
SEPTEMBER 23, 2019
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 Mike Elliott at 6:45 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Director of Fiscal & Support Services Nate Reinhardt, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and City Clerk Barb Suciu.

Mayor Mike Elliott opened the meeting for Informal Open Forum.

Mr. Lutz, Sarin Brothers Automotive, 5810 Xerxes Avenue, expressed concern about excessive loitering in the parking lot at 5810 Xerxes Avenue. He added it is difficult for the businesses in the building. He presented photos for the City Council's review. He noted he and other business owners call for police enforcement several times a week. He requested more police enforcement and better surveillance.

Councilmember Butler asked whether there are security cameras on the property. Mr. Lutz stated security cameras were installed by the business owners, as well as additional lighting.

Councilmember Ryan thanked Mr. Lutz for coming to the City Council meeting and alerting the City Council and City Staff about this situation.

Councilmember Lawrence-Anderson suggested that Mr. Lutz should meet with Police Department representatives. Mr. Lutz stated the police have come and talked to them many times and have told them to call the police to report loitering.

Mayor Elliott asked whether the police officers at the transit station have made a difference. Mr. Lutz stated people who are forced to leave the transit station come to their parking lot. He added they are not able to provide assistance because they stay at the transit center.

City Manager Curt Boganey thanked Mr. Lutz for bringing these legitimate concerns to the City Council's attention. He added City Staff could investigate and provide a review for the City

Council at an upcoming Regular Meeting and provide strategies and suggestions for addressing this issue.

Councilmember Lawrence-Anderson requested that City Staff notify Mr. Lutz when that is scheduled. Mr. Boganey agreed.

Arlan Daudt, 6000, York Avenue, expressed concern that traffic will increase on his street when Brooklyn Boulevard is reconstructed.

Mr. Daudt asked who paid for the recent Opportunity Site open house where food was served. Mr. Boganey stated that it was an Economic Development Authority/City-sponsored event.

Mr. Daudt asked who wrote the 2040 Comprehensive Plan. Mr. Boganey stated the Comprehensive Plan document was a collaboration with many participants, including City Staff, Consultants, Commissions, and City Council, as well as input from residents.

Mr. Daudt asked why the development of single-family homes was not considered for the Brookdale Ford site. He added more input and ideas should have been reviewed and considered. He noted he would support more single-family homes or a big box store.

Mr. Daudt stated the new apartment complex at 61st Avenue would have 1.6 parking spaces per unit. He added that will not be enough, as many residents will have two or more cars.

Councilmember Graves moved, and Councilmember Ryan seconded to close the Informal Open Forum at 7:00 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Ryan read the following quote for the Invocation:

> Progress, far from consisting in change, depends on retentiveness. When change is absolute there remains no being to improve, and no direction is set for possible improvement: and when experience is not retained, as among savages, infancy is perpetual. Those who cannot remember the past are condemned to repeat it.
> -George Santayana, *The Life of Reason, Volume 1*, 1905

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:00 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager

Reggie Edwards, Director of Fiscal & Support Services Nate Reinhardt, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and City Clerk Barb Suciu.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to remove Consent Agenda Item 6d and add it to the Regular Meeting Agenda as Item 10b.

Motion passed unanimously.

Councilmember Graves moved, and Councilmember Lawrence-Anderson seconded to approve the Agenda and Consent Agenda, as amended remove Item 6d, Resolution No. 2019-120 Establishing an Office for the Mayor for consideration as Item 10b, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. August 7, 2019 – Joint Work Session CC and FC
2. August 19, 2019 – Joint Work Session CC and FC
3. September 9, 2019 – Study Session
4. September 9, 2019 – Regular Session
5. September 9, 2019 – Work Session

6b. LICENSES

OFF-SALE 3.2 BEER LICENSE

Casey' General Store #3823	2101 Freeway Blvd

MECHANICAL LICENSES

Air Comfort Heating & A/C	19170 Jasper St NW Anoka, MN 55303
Appliance Connections Inc.	12850 Chestnut Blvd. Shakopee, MN 55379
Bettin Inc. dba Ecowater	3208 First Street S Waite Park, MN 56387
Neil Heating & A/C Inc.	PO Box 29292 Brooklyn Center, MN 55429
WJW Company dba Twin City Heating & Air	10600 University Ave NW Coon Rapids, MN 55448

RENTAL

INITIAL (TYPE III – one-year license)

5416 Fremont Avenue	Luisa Naraez
6325 Xerxes Avenue N	Linus Amajuoyi/Associated Tender Care LLC

RENEWAL (TYPE IV – one-year license)

5519-23 Lyndale Avenue N	Dragon Properties Mgt/Brad Hildreth
5606 Bryant Avenue N	MNSF II W1 LLC (met mitigation plan)
1112 Emerson Lane	Bodhi Tree – Missing CPTED Inspection follow up

RENEWAL (TYPE III – one-year license)

6800 Bryant Avenue N	Peter Nguyen

RENEWAL (TYPE II – two-year license)

5937 Abbott Avenue	Mark Crost
5739 James Avenue N	Douglas Wahl/Rifive Investments (met action plan)

RENEWAL (TYPE I – three-year license)

5207 Xerxes Avenue N	Dean Bona
3125 66th Avenue N	Danny Vo
7212 Humboldt Avenue N	IH2 Properties Illinois LP
5319 Knox Avenue N	Daniel Allen Yesnes
4207 Lakeside Avenue N #240	Tommy Conteh
5541 Morgan Avenue N	Paul Zheng/5541 Morgan Ave LLC
3216 Poe Road	Matt Just – met action plan
5400 Queen Avenue N	Prosperous Property

6c. RESOLUTION NO. 2019-119 APPROVING LOCAL WATER SUPPLY PLAN

6d. RESOLUTION NO. 2019-120 ESTABLISHING AN OFFICE FOR THE MAYOR This item was considered as Agenda Item 10b.

6e. RESOLUTION NO. 2019-121 APPROVING AN APPLICATION TO THE METROPOLITAN COUNCIL FOR THE WATER EFFICIENCY GRANT PROGRAM

6f. RESOLUTION NO. 2019-122 ACCEPTING FEASIBILITY REPORT AND CALLING FOR AN IMPROVEMENT PUBLIC HEARING FOR IMPROVEMENT PROJECT NOS. 2020-01, 02, 03 AND 04, GRANDVIEW NORTH AREA STREET, STORM DRAINAGE, AND UTILITY IMPROVEMENTS

6g. EXEMPTION OF SISTER CITIES COMMISSION FROM CITY COUNCIL POLICIES (RESOLUTION 96-132)

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2019-123 ACKNOWLEDGING SERVICE OF SERGEANT CORRINE BECKER

Mayor Elliott read in full a Resolution expressing recognition and appreciation for public service of Sergeant Corinne Becker, who was hired on October 1, 1998. Sergeant Becker was promoted to the rank of Police Sergeant on July 28, 2015, after serving in a variety of capacities, until her retirement on September 3, 2019. The City of Brooklyn Center recognizes Sergeant Becker's honorable retirement and express sincere appreciation for her passion for serving the community and dedication to public service.

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2019-123 Acknowledging Service of Sergeant Corrine Becker.

Motion passed unanimously.

7b. PROCLAMATION OBSERVING NIGERIA INDEPENDENCE DAY

Mayor Elliott read in full a Proclamation declaring the observance of Nigeria Independence Day on Saturday, October 5, 2019, in the City of Brooklyn Center.

Councilmember Graves moved, and Councilmember Ryan seconded to adopt a Proclamation Observing Nigeria Independence Day

Motion passed unanimously.

7c. PRESENTATION FROM MR. FRANK GATLIN, OWNER AND DEVELOPER OF SHINGLE CREEK CROSSING.

Mayor Elliott introduced Frank Gatlin and welcomed him to address the City Council.

Frank Gatlin, owner, and developer Shingle Creek Crossing, former Brookdale Mall site, stated he first met with the City Council many years ago to discuss the redevelopment of the Brookdale Mall property. He added the project was started in 2008-09, with many obstacles, but came to fruition with the help and support of City Staff and the City Council. He noted there is currently a small percent of vacancy, and reiterated his intention of staying with Shingle Creek Crossing and not selling the property until the development is finished.

Mr. Gatlin stated there is interest from a drive-through car wash near the Sears site. We have tenant interest. He added many retail stores had been added, as well as Bayou Seafood Factory Cajun Restaurant. He noted he is determined to redevelop the Sears site, and finding a solution for that property.

Mr. Gatlin stated he has appreciated working with the City of Brooklyn Center. He added he would continue to work with the City to come up with concepts and ideas that put people in business and hire employees.

Mr. Gatlin stated the Mayor and Mr. Boganey have indicated there are issues with Walmart related to trash in the parking lot, getting shopping carts back to the property, and long check-out lines. He added he does not believe Walmart Operations is aware of these issues. He noted he would address it with the Brooklyn Center Walmart store management

Mr. Gatlin encouraged the City Council to continue to contact him with any comments or concerns regarding Shingle Creek Crossing.

Councilmember Ryan stated the City appreciates that Mr. Gatlin took on a challenging and complex project when Brookdale Mall was replaced by Shingle Creek Crossing. He added the mall closing was not a failure on the part of the City. He noticed many more packages from online retailers being delivered to doorsteps while canvassing for the 2018 election. He asked what Mr. Gatlin thinks the biggest obstacle is for continuing complete buildout and development of Shingle Creek Crossing.

Mr. Gatlin stated the development had continued piece by piece, and there are currently only nine parcels left. He added he is working with three potential tenants to fill these spaces, which will hopefully open the door for additional retail development. He added he hopes to include a destination entertainment space, potentially at the Sears site.

Councilmember Butler agreed that entertainment and shopping should be the focus of Shingle Creek Crossing. She added there is a lot of trash everywhere in Shingle Creek Crossing, and she does not shop there. She noted residents do not want to shop there if there are trash and overfilled garbage cans.

Mr. Gatlin stated he would be at Shingle Creek Crossing the next few days and he would look into the issue of full trash cans and trash on the ground. He added proper trash containers are on the site and are being emptied every night. He noted he wants the development to look good and agreed to look into it.

Councilmember Ryan stated Walmart does not give priority to the recovery of its shopping carts. He added customers take the carts and they are scattered around the area. He noted if district or regional management is made aware of this situation, they might take a different approach. Mr. Gatlin agreed.

Councilmember Graves asked whether Mr. Gatlin takes into consideration the types of businesses that are pursued during the development phase. Mr. Gatlin stated he ensures they are financially sound and will be able to keep their store open.

Councilmember Graves asked whether Mr. Gatlin considers issues such as livable wage, paid family leave for staff, and other worker's rights. Mr. Gatlin stated he is not able to control the

minimum wage, although he would like to see higher salaries. He added he is more concerned with providing jobs.

Councilmember Graves asked whether Mr. Gatlin is interested in providing opportunities for entrepreneurs in Shingle Creek Crossing. Mr. Gatlin agreed, adding he spoke with the Mayor and Mr. Boganey about the possibility of the development of test stores for people with an idea for a business.

Councilmember Graves stated she supports that discussion, as entrepreneurs, small businesses, and resident-run start-up companies are the fastest-growing sector.

Mr. Gatlin suggested a Work Session with the City Council to review development ideas and opportunities for new businesses and affordable spaces.

Councilmember Lawrence-Anderson thanked Mr. Gatlin for providing information about the car wash that may come to the area. Mr. Gatlin stated the car wash is already under the agreement and will be membership-based. He agreed to provide additional information as it becomes available.

City Manager Curt Boganey thanked Mr. Gatlin for his presentation. He added Mr. Gatlin provided development opportunities for Brooklyn Center at a time when local developers were not interested. He noted Mr. Gatlin made a promise, and he stuck to his word. He expressed his appreciation for Mr. Gatlin's flexibility and commitment.

8. PUBLIC HEARINGS

8a. RESOLUTIONS APPROVING PROPOSED MODIFICATIONS TO UTILITY FEE SCHEDULES RELATED TO DELINQUENT UTILITY CHARGES

Mr. Boganey stated the City Council reviewed utility fees and delinquent charges at a recent Work Session, to determine how additional charges affect residents' ability to make payments. He added Finance Director Nate Reinhardt would provide a review and update on this issue.

Finance Director Nate Reinhardt reviewed the proposed utility fee schedule modifications. He stated 7.5% of utility bills are being certified, 98% of which are residential accounts, and 60% were certified the previous year. He added the average amount of certification is $735. He noted this issue was reviewed by a team of City Staff who made recommendations for delinquent charges process changes.

Mr. Reinhardt stated the City has been successful in collecting fees through special assessments, but there are administrative cost considerations related to processing, publishing, and reconciling accounts that are not paid on time. City staff believes delinquent charges are higher than associated costs.

Mr. Reinhardt stated other area cities that use Logis billing software were reviewed. He added all the other cities charge a late penalty fee, but Brooklyn Center's 10% fee was the highest. He

noted only 2 of the other cities sent out a penalty notice, and all the others apply it directly to the customer's account with no notice.

Mr. Reinhardt stated the following changes are proposed: use quarterly delinquent charges on utility accounts with 10% of unpaid balance with no additional charge, so residents will not be penalized unless they miss a deadline; increase certification process fees for collection of property taxes from $30 to $50 as an appropriate way to recoup administrative costs; and increase the threshold for accounts to be certified to greater than or equal to $150, which is the minimum residential threshold, which would decrease the number of accounts in certification.

Mr. Reinhardt stated City Staff recommends City Council approval of Resolutions amending utility fees.

Councilmember Graves asked how much utility costs would increase. Mr. Reinhardt stated that it is a City Council consideration. He added an increase in infrastructure costs is anticipated over the next few years, and the increase would probably be approximately $4-$5.

Councilmember Graves asked what the process would be. Mr. Reinhardt stated the resident would receive a letter and have a chance to make their payment before it goes on their taxes. He added when it is added to the tax bill; there would be an additional $50 charge.

Councilmember Graves stated she would support a higher threshold of $200.

Mayor Elliott asked whether residents would avoid certification if they miss the 1st quarter but pay at the end of the year. Mr. Boganey stated a notice would be sent that gives residents the chance to avoid certification.

Councilmember Butler moved, and Councilmember Ryan seconded to open the Public Hearing.

Motion passed unanimously.

Mayor Elliott stated over 60% of residents have their delinquent utilities certified to taxes each year. He asked what kinds of interactions besides the notice that the City sends. He stated the City Council had discussed the possibility of monthly billing rather than quarterly billing. He added the City could provide additional communication with residents.

Mr. Boganey stated the City's automated system identifies and notifies customers with abnormal quarterly water or utility usage. He added a future system could allow residents to review utility usage online throughout the quarter, to keep track. He added monthly billing is not recommended due to potential increased administrative costs.

Councilmember Graves stated increasing the threshold to $200 would give residents extra time before they go through the certification process.

A resident in the audience stated he agrees that the threshold should be raised to $200 or $250.

Councilmember Graves moved, and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves moved, and Councilmember Ryan seconded to increase the certification threshold to $200.

Motion passed unanimously.

Councilmember Ryan stated he appreciates Councilmember Graves' insight on this issue. He added an increased threshold of $200 would give residents the opportunity to address a delinquent quarter and provide some financial relief.

Councilmember Grave moved, and Councilmember Ryan seconded to adopt RESOLUTION NO. 2019-124 Adopting Proposed Water Utility Rates as amended.

Motion passed unanimously.

Councilmember Ryan moved, and Councilmember Graves seconded to adopt the following:

- RESOLUTION NO. 2019-125 Adopting 2019 Sewer Utility Rates, Fees and Charges
- RESOLUTION NO. 2019-126 Adopting 2019 Storm Sewer Utility Rates, Fees and Charges
- RESOLUTION NO. 2019-127 Adopting 2019 Street Light Utility Rates, Fees and Charges
- RESOLUTION NO. 2019-128 Adopting 2019 Recycling Utility Rates, Fees and Charges

Motion passed unanimously.

8b. ORDINANCE NO 2019-09 ADOPTING A ZONING AMENDMENT REGARDING THE CC CENTRAL COMMERCE OVERLAY DISTRICT – PLANNING COMMISSION APPLICATION NO. 2019-014 (SECOND READING)

Mr. Boganey stated the City Council considered modifications to CC Central Commerce Overlay District (CCOD), which is the area that generally includes Shingle Creek Crossing and the Opportunity Site. He introduced Community Development Director Meg Beekman.

Ms. Beekman provided a review of the proposed zoning amendments to the CCOD District related to allowed uses. She added the proposed amendments would bring the CCOD in closer alignment with the 2040 Comprehensive Plan.

Ms. Beekman stated the CCOD is mostly Transit-Oriented Development (TOD) due to its proximity to the transit station. She added zoning adjustments would be required. She noted City Staff had included language that any changes proposed would not affect businesses currently in operation in the CCOD unless they are discontinued for 12 months or more, and there are not currently any businesses that would be prohibited.

Councilmember Graves moved, and Councilmember Ryan seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

Councilmember Graves moved, and Councilmember Butler seconded to close the Public Hearing.

Motion passed unanimously.

Mayor Elliott asked why this temporary amendment is necessary. Ms. Beekman stated the Sears property moratorium has expired and cannot be extended. She added this amendment would eliminate certain kinds of redevelopment uses in the interim that may be detrimental to the CCOD.

Councilmember Graves moved, and Councilmember Ryan seconded to adopt ORDINANCE NO. 2019-09 Adopting a Zoning Amendment Regarding the CC Central Commerce Overlay District – Planning Commission Application No. 2019-014 (Second Reading).

Motion passed unanimously.

Councilmember Graves moved, and Councilmember Ryan seconded to adopt RESOLUTION NO. 2019-129 for Summary Publication in the Brooklyn Center Post.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2019-015 FOR ADOPTION OF A ZONING AMENDMENT REGARDING USES ALLOWED IN THE GENERAL INDUSTRY (I-2) DISTRICT – FIRST READING

Ms. Beekman reviewed a proposed Zoning Code amendment that would allow public assembly use in the City's General Industry (I-2) District. A religious group is interested in purchasing property at 4900 and 4902 France Avenue to relocate their community. They would like to stay in the City of Brooklyn Center, and there are no other suitable properties available. Public Assembly is currently not a permitted use in the I-2 District.

Ms. Beekman stated federal law protects religious uses and prohibits the imposition of additional requirements that are not applied to similar uses. After a discussion between City Staff and the City Attorney, a Zoning Code text amendment is the most legally defensible way forward.

Ms. Beekman stated the City Council reviewed this issue on August 12, 2019, and directed City Staff to draft an amendment for review by the Planning Commission.

Ms. Beekman stated the City's I-2 District consists of approximately 82 acres, approximately 72 acres of which are re-developable, or 2% of Brooklyn Center. She added this is a unique property in the I-2 District with two buildings, which is why it is available, and why this group is interested in it. She noted religious uses tend to utilize their facilities outside of industrial business hours although existing parking at this location is not sufficient.

Ms. Beekman stated the new building would require updated fire suppression, adherence to building and fire codes and compliance with ADA requirements, including parking lot striping, signage, improvements, and an elevator or lift.

Ms. Beekman stated a lengthy public hearing was held at the Planning Commission meeting on September 12, 2019, at which members of the religious community spoke in support of the religious use. They expressed a desire to create a place where the community can gather, and the congregation could be bussed in from another location. A resident expressed concern about the loss of property taxes due to a religious institution utilizing an industrial property.

Ms. Beekman stated Planning Commission Chair Christensen expressed concern about amending an entire district to accommodate one property. There were general questions about parking requirements. The vote was 4-1 in favor of the amendment. City staff recommends approval of the first reading of the Ordinance amending Chapter 35 of City Code.

Councilmember Butler asked whether the property is currently vacant. Ms. Beekman stated she does not believe the property is currently being used. An audience member stated the round building is vacant.

Councilmember Lawrence-Anderson asked whether the religious community has the financial capability of making the necessary upgrades related to ADA compliance and fire and building code compliance. Ms. Beekman stated the City Planner has met with the religious group and their realtor and toured the building with them. She added the building official had provided a memo for them with the necessary building changes, and they are aware of the building and fire code requirements.

Councilmember Butler stated she is fully in support of the mosque. She added they are a part of the Brooklyn Center community. She noted they have operated in small spaces with limited parking, and they will be fine at this property.

Councilmember Graves moved, and Councilmember Ryan seconded to Approve Planning Commission Application No. 2019-015 For Adoption of a Zoning Amendment Regarding Uses Allowed in the General Industry (I-2) District – First Reading.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. PRELIMINARY 2020 PROPERTY TAX LEVY AND BUDGET

Mr. Boganey stated City Council consideration is requested of the 2020 Property Tax Levy and Budget. The final budget will be presented to the City Council in December 2019 and can be reduced but cannot be increased above the maximum amount approved at tonight's meeting.

Mr. Reinhardt reviewed the preliminary levy increase of 5.87%, and the Housing and Redevelopment Authority levy, based on a percentage of market value increase of 8.7%. He added a balanced budget is proposed, although administrative functions have increased. He noted the proposed budget includes staff enhancements including Full-Time positions in Community Development and Human Resources that were previously part-time.

Mr. Reinhardt stated most residents had seen their home values consistently increase for the past six years. He added home values had increased 7.6% since 2018 and 73% since 2014.

Mr. Reinhardt stated two separate resolutions are proposed for the tax levy and budget preparation for final adoption in December 2019. He added preliminary tax statements are based on what is approved at tonight's meeting.

Councilmember Graves thanked City Staff and the Finance Commission for their hard work, and for explaining the levy in an understandable way. She added City Council goals were met while maintaining necessary items based on public trust. Councilmember Lawrence-Anderson agreed.

Mayor Elliott stated the City's residents feel that their home values continue to increase, and it is difficult to be financially prudent while balancing priorities for the City of Brooklyn Center. He thanked City Staff for their hard work on the budget, although it is higher than he would like.

Mayor Elliott requested consideration of evaluating which programs and services are offered that may not be successful and could be eliminated. He expressed his hope that the City Council can do that before the final budget is approved. He noted his concern that the City of Brooklyn Center has the highest tax rate in its peer group while many residents are on a fixed income.

Mayor Elliott stated it is challenging that the City continues to increase property taxes. He expressed the need for a process to identify areas that are not necessary or not working on trimming the budget.

Councilmember Ryan stated the City is audited annually by a CPA firm, as required by State law. He added they assess that the City's tax increases are driven by extraordinarily high public safety costs, which is the City's primary focus. He noted he believes City Staff and the City Council are good stewards of the City's assets while working hard to increase the industrial and commercial tax base.

Councilmember Graves stated while she would support looking at ways to do better, she also understands the importance of public safety. She added there is a very small average percentage of a tax increase for the typical household of $59. She noted she thinks it is a good budget.

Councilmember Lawrence-Anderson stated the City is focused on multi-family residential redevelopment and bringing in businesses. She added, in her opinion, the City will be able to reduce the tax burden to the single-family home in the coming years.

Councilmember Graves moved, and Councilmember Ryan seconded to adopt RESOLUTION NO. 2019-130 Approving a Preliminary Tax Capacity Levy for the General Fund and Debt Service Funds and a Market Value Tax Levy for the Housing and Redevelopment Authority for Property Taxes Payable in 2020.

Mayor Elliott voted against the same. Motion passed.

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to approve RESOLUTION NO. 2019-131 Adopting a Preliminary Budget for the 2020 Fiscal Year.

Mayor Elliott voted against the same. Motion passed.

10b. OFFICE OF THE MAYOR

Councilmember Ryan stated he withdrew this item from the Consent Agenda as it is a controversial issue and further discussion is required. He added, given the late hour and other pending agenda items, he would support tabling this item to the October 28, 2019, Regular Session meeting.

Councilmember Ryan moved, and Councilmember Lawrence-Anderson seconded to table discussion on the Office of the Mayor until the October 28, 2019, Regular Session.

Councilmember Butler stated she would like to make a motion that the City Council vote on this issue at tonight's meeting.

Mayor Elliott stated Councilmember Ryan's motion is still on the floor.

Councilmember Graves stated the concern is not so much for the office itself as it is for the significance of power within the governing process and providing an office for the Mayor is a symbol of that concern. She added she does not wish to discuss it further, but the concern should be addressed, and the issue of whether the Mayor should have an office is not the best way to have the discussion.

Councilmember Ryan stated the issue was settled by the City Council on February 11, 2019, and he does not support the way that it was subsequently handled. He added a concise and respectful discussion is necessary. He expressed the importance of the City Council working together as a team.

Mayor Elliott stated other mayors, including the Mayor of Columbia Heights, have told him that they have offices. He added he would work more efficiently and do a better job of being an effective Mayor for the City's residents.

Councilmember Graves stated the City Council should move forward with a decision tonight and follow up with a discussion regarding the City Council's role as it relates to the City Charter.

City Attorney Troy Gilchrist stated a vote is required for the motion on the table.

Mayor Elliott and Councilmembers Butler and Graves voted against the same. Motion failed.

Councilmember Graves requested an amendment to Councilmember Butler's motion requiring a City Council review of this issue at an upcoming Work Session. Councilmember Butler agreed.

Councilmember Butler moved, and Councilmember Graves seconded to approve the Mayor's Request for an Office, with the condition that this issue is reviewed at an upcoming Work Session. Councilmember Butler agreed.

Councilmembers Lawrence-Anderson and Ryan voted against the same. Motion carried.

11. COUNCIL REPORT

The City Council agreed to forego their reports in the interests of time.

12. ADJOURNMENT

Councilmember Graves moved, and Councilmember Butler seconded adjournment of the City Council meeting at 10:13 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
SEPTEMBER 23, 2019
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 Mike Elliott at 10:17 p.m.

ROLL CALL

Mayor/President Mike Elliott 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, Director of Fiscal & Support Services Nate Reinhardt, Community Development Director Meg Beekman, City Attorney Troy Gilchrist, and City Clerk Barb Suciu.

Councilmember/Commissioner Butler requested addressing Miscellaneous Items before the meeting is adjourned. Mayor/President Elliott agreed.

1601 JAMES CIRCLE DEVELOPMENT UPDATE

Mike Brady, Real Estate Equities, provided an update on development at 1601 James Circle that was presented at Opportunity Zone Challenge. He stated he was interested in pursuing the Brooklyn Center site when the 2017 Opportunity Zones were legislated. He added he has connected with many local community leaders who are now involved in the project, including Tashitaa Tufa.

Mr. Brady stated he and his community partners have come up with a system that is getting a lot of traction and has attracted interest from development consultants and investment firms. He added the premise is that if a tenant pays their rent on time every month for six months, the developer distributes half of the profits back to those tenants. He added this system creates a community that will have ownership, want to stay there, and will tell others about it. He noted he and his partners are very excited about the potential success of this model.

Mr. Brady stated the developer would enter an option agreement in Year 1 to sell the property to the tenants in Year 10 if they have consistently paid their rent on time. Mr. Brady added he is meeting with Frank Altman from the Community Reinvestment Fund and other similar consultants have contacted him to create a model and move this along and be able to scale the model to other locations.

Mr. Brady stated throughout this process, the power of the community has become very apparent to him. He added he has grown to understand it and wants to be a part of it. He added it is an amazing thing. He noted he had had interest from many community members who want to rent in the building, but he has not gotten to that point yet.

Mayor/President Elliott stated he is pleased that there are many immigrant groups involved. He asked whether there has been interest from the Hmong community. Mr. Brady stated he had been focused on the development aspects, but there are many other community leaders and interested parties who will help with developing other relationships. He noted the Hmong community is on the radar.

Councilmember/Commissioner Lawrence-Anderson asked whether there are plans to engage the Hispanic community. Mr. Brady confirmed this, adding he has a meeting scheduled with Planning Commissioner Alexander Koenig to talk about that.

Mr. Brady presented a depiction of the building's exterior elevation. He added the goal is to commence construction by April 1, 2020, and finish by December 2020. He added he would like to come back to the City Council in November 2019 to discuss incentives and other proposals and bring his partners, who won the contest together. He noted the best part about the contest was the exposure it provided, and the chance to meet many amazing experienced people who can help ensure a successful development.

Mayor/President Elliott stated Mr. Brady is referring to the Opportunity Zone Collaborative Summit, which he attended along with Councilmember/Commissioner Ryan and Mr. Boganey and other City Staff. He added he could see that Mr. Brady is serious and sincere about this development concept and the model he is putting together. He applauded Mr. Brady for his efforts.

Mr. Brady thanked the City Council and City Staff for the opportunity to bring this idea to fruition. He added he has realized that he stands to benefit the most from this venture, through the new relationships he is forming, and the understanding that he did not have before.

Mayor/President Elliott stated this type of development would facilitate the future economic growth of the State of Minnesota. He added by putting the model together, Mr. Brady is ensuring that Brooklyn Center will be able to take advantage of that growth. He thanked Mr. Brady for his presentation.

BUSINESS SUBSIDY POLICY DISCUSSION

Jason Aarsvold, representing Ehlers, provided an overview of the City's draft Business Subsidy Policy, required by State Statute. He added this type of policy would also provide an opportunity for the City Council to give direction to City Staff about public subsidy and development assistance.

Mr. Aarsvold stated the City Council was given homework in April 2019 to provide City Staff and consultants with an idea of what aspects of development and subsidy are important to the

City Council. He added a proposed Business Subsidy Policy was drafted based on that data and is subject to change.

Mr. Aarsvold reviewed each of the policy components: purpose and authority; objectives for providing public assistance; public financing principles best practice; desired qualifications; job and wage requirements, which are mandated by State Statute; administration through agreements; and evaluation of requests.

Mr. Aarsvold stated the proposed policy might be applied to projects that are not statutorily defined as "business subsidy," of which Housing is a good example. He added the policy is a guideline that can be amended at any time, and every request will require a public hearing and City Council approval.

Mayor/President Elliott asked whether there is an issue of precedent within the policy. He asked whether previous agreements would obligate the City Council to approve other agreements.

Ms. Beekman stated the rules of precedence that apply in the variance process do not apply to the public subsidy. She added the City has broad discretion when applying subsidy, and there is no obligation for the City to apply it.

Mayor/President Elliott stated he does not support subsidizing luxury housing. Councilmember/Commissioner Graves agreed that she would not support subsidies for luxury housing unless it was a component of a larger development project and other needs were being filled.

Mr. Aarsvold stated all requests for subsidy would be reviewed by the City Council.

Ms. Beekman stated that aspect of the policy is specifically related to the notion of diversifying housing stock and providing types of housing that are not currently available in Brooklyn Center. She added the City Council had discussed a broad range of affordable, market-rate and high-end housing, and as the entire district will be a TIF district. She noted infrastructure would be needed and there will be a gap in the financial model. She reiterated that each application would go through financial analysis.

Mr. Boganey stated the issue is not that luxury developments would be subsidized, but rather that the City would be willing to review any development that cannot happen without a subsidy. Ms. Beekman agreed, adding TIF funding might be necessary for a luxury housing development based on the "but for" test.

Mr. Aarsvold showed a table that compares the average hourly wage of $21.93 for Brooklyn Center in comparison to peer communities. He added this data is a function of the types of businesses that exist in each City. He noted he does not have industry data available at tonight's meeting.

Mayor/President Elliott stated he would like to review industry data at a Work Session, to look more closely at the local economy and the types of jobs that exist in Brooklyn Center. Councilmember/Commissioner Graves agreed.

Councilmember/Commissioner Graves moved, and Councilmember/Commissioner Lawrence-Anderson seconded to extend the City Council/Economic Development Authority Work Session beyond 11:00 p.m.

Motion passed unanimously.

Mayor/President Elliott stated he would like to know whether there is data on projected growth in certain sectors. He added that information would influence the decisions and direction of the City Council.

Mr. Boganey stated another factor that came up is that a large majority of residents of Brooklyn Center work outside of Brooklyn Center. Ms. Beekman agreed, stating there are many employment opportunities in Brooklyn Center, but not necessarily for Brooklyn Center residents. She added City Staff has supporting data regarding work location and salaries.

Councilmember/Commissioner Ryan noted the data would reflect the fact that wages are increasing after being static for decades. He added wage increases are driven by demand. Mr. Aarsvold agreed, adding it is not widely dispersed, and in some industry sectors there has not been a growth in wages.

Mr. Aarsvold stated City Staff would evaluate each application to determine consistency with the City Council's goals and objectives, and whether there is a need for assistance, and then brought forward for City Council consideration. He added this process gives City Staff and developers a clear idea of what the City Council wants to do and provides data for the kinds of things they want to see in Brooklyn Center.

Mayor/President Elliott asked why this policy is required by the State. Mr. Aarsvold stated many cities were extending assistance for projects without any idea of measurable benefit. He added this process provides data to determine the ongoing obligation to meet subsidy goals and to determine how public funding can influence development.

Mayor/President Elliott stated the policy could impact the quality of life for residents. He expressed his interest in prioritizing subsidies to certain businesses.

Mr. Aarsvold stated this conversation has been helpful to understand the City Council's perspective regarding flexibility in the policy.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved, and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session.

It was noted that the City Council/EDA had agreed to address Miscellaneous Items before the meeting is adjourned.

Mayor/President Elliott and Councilmember/Commissioners Butler, Graves, Lawrence-Anderson and Ryan voted against the same. Motion failed.

MISCELLANEOUS

Councilmember/Commissioner Butler stated the McCarthys recently spoke during a Public Open Forum at a City Council/EDA meeting regarding their concerns about Highway 252 reconstruction plans. She added she has met with the McCarthys. She requested that they are given an opportunity to present additional information at an upcoming City Council/EDA meeting.

Councilmember/Commissioner Butler stated Troy Parker contacted her regarding the 57th Avenue/Logan Avenue site. She asked whether he could be invited to a Work Session to address the City Council/EDA.

Councilmember/Commissioner Graves stated the McCarthys are on an upcoming October 2019 City Council/EDA meeting agenda.

Mr. Boganey stated City Staff could provide an update to the City Council/EDA on Mr. Parker and the 57th/Logan development and the City's position. He added it is an evolving discussion.

Councilmember/Commissioner Graves stated a resolution regarding police officer autism response education is being considered at the State level. She requested that the City Council/EDA consider a potential resolution in support of this action.

Councilmember/Commissioner Graves stated she would get more information from City Staff about switching to a single City-wide trash hauler and a ban on plastic bags.

Councilmember/Commissioner Ryan stated organized collection is a difficult subject, and many communities have had issues and complications with a single hauler service.

Mayor/President Elliott stated he would support getting more information about single hauler options as many residents have commented to him about it.

Councilmember/Commissioner Graves stressed the importance of being better stewards of the environment.

Mr. Boganey stated an upcoming Work Session would include a review of environmental issues. He added the single trash hauler issue and plastic bag ban can be addressed at that time.

Councilmember/Commissioner Graves stated she could provide a sample resolution supporting the State action regarding police autism response.

Mayor/President Elliott stated the City should also consider banning Styrofoam and other single-use plastics.

Mayor/President Elliott asked whether there is an alternative format for serving water at the City Council/EDA meetings. Mr. Boganey stated City Staff would review other options.

Mr. Boganey stated Ms. Beekman would send an email request to schedule an Opportunity Site Work Session.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved, and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 11:30 p.m.

Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve 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.

GARBAGE HAULER

Sanimax USA LLC 505 Hardman Ave S
South St Paul 55075

GASOLINE LICENSE

Casey's General Store 2101 Freeway Blvd

MECHANICAL LICENSES

All Systems Mechanical LLC	2282 Terminal RD Roseville, 55113
DAS Heating and Cooling Inc	8060 153rd Ln Ramsey, 55303
Dicks Refrigeration Inc	348 E. Hemenway Ln Edgerton, WI 53534
Gilbert Mechanical Contractors	5251 W. 74th St Edina, 55439
Integrity Heating & Air Conditioning	1448 148th Ave NW Andover, 55304
Master Mechanical, Inc	1027 Gemini Rd Eagan, 55121
PB Services LLC	9410 Bataan St NE Blaine, 55449
True North HVAC LLC	20142 Twin Pkwy NW NowThen, 55330

SIGNHANGER LICENSE

Spectrum Sign Systems Inc 8766 West 35W Service Drive NE
Blaine, 55449

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	5/22/2019	Backup Material
10-14-19 Rentals	10/9/2019	Backup Material

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

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
	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 14, 2019								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	PoliceCFS *	Final License Type **	Previous License Type ***
6221 Bryant Ave N	Single	Initial	Mark Johnson	11	IV	N/A	IV	
6015 Dupont Ave N	Single	Initial	Home SFR Borrower LLC	13	IV	N/A	IV	
1701-07 69th Ave N Earle Brown Apartments	Multi 4 Bldgs 120 Units	Renewal	Earle Brown Farms Investments	228 1.9 per unit	III	11 Valid Calls 0.09 Per Unit 10/25/18 1701 69th Ave N - Theft 10/25/2018 1701 69th Ave N - Theft 10/31/18 1701 69th Ave N - Auto Theft 12/3/2018 1701 69th Ave N - Robbery 12/2/18 1701 69th Ave N - Theft 1/08/19 1701 69th Ave N - Auto Theft 1/12/19 1707 69th Ave N - Auto Theft 1/18/19 1701 69th Ave N - Theft 2/25/19 1707 69th Ave N - Disorderly Conduct 4/17/19 1701 69th Ave N - Theft 9/10/19 1707 69th Ave N - Vandalism	III	II
7015-21 Brooklyn Blvd Willow Lane Apartments	Multi 2 Bldgs 58 Units	Renewal	Jason Quilling	117 2 per unit	III	1 valid, 11/11/18 burglary	III	II
6220 France Ave N Ewing Square	Multi 6 Bldgs 23 Units	Renewal	Chris Cooper/ Ewing Square Family Housing - Met Action Plan	18 0.78 per unit	II	0	II	III
2924 67th Ln N	Single	Renewal	Ivan Tkach	2	I	0	I	I
4416 69th Ave N	Single	Renewal	Eugene & Diane Wright	0	I	0	I	II
5401 70th Cir	Single	Renewal	Kris Kienzle / N&G Properties	2	I	0	I	II
2006 Brookview Dr	Single	Renewal	MNSF II LLC Met Mitigation Plan	0	I	0	I	IV
5926 Colfax Ave N	Single	Renewal	Jack Froelke	1	I	0	I	II
6300 France Ave N	Single	Renewal	Wade Klick - Met Mitigation Plan	1	I	0	I	IV
5444 Humboldt Ave N	Single	Renewal	Melanie Boes/Froyum Trust - Missing CPTED Follow Up	3	II	2 valid, 11/17/18 burglary, 5/27/19 theft ftom auto	IV	III
1525 Humboldt PL N	Single	Renewal	ShoeMiller Properties	3	II	0	II	I
5505 Lyndale Ave N	Single	Renewal	Dragon Property Management	2	I	0	I	I
7225 Major Ave N	Single	Renewal	Kin Chew	11	IV	0	IV	III
7024 Morgan Ave N	Single	Renewal	McClure Properties	4	II	0	II	II
5313 Northport Dr	Single	Renewal	IH3 Property Illinois LP - Met Mitigation Plan	4	II	0	II	IV
5307 Penn Ave N	Single	Renewal	Ben Cleve Dossman	6	III	0	III	II

Rental Licenses for Council Approval on October 14, 2019

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	PoliceCFS *	Final License Type **	Previous License Type ***
6143 Regent Ave N	Single	Renewal	Patricio Angamarca-Romero - Missing CPTED	1	I	0	III	III

* 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

*** Initial licenses will not show a previous license type Type 1 = 3 Year Type II = 2 Year Type III = 1 Year Type IV = 6 months

All properties are current on City utilities and property taxes

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Resolution Designating Polling Places for the City of Brooklyn Center for 2020 Elections

Requested Council Action:

- Motion to approve a resolution Designating Polling Places for the City of Brooklyn Center for 2020 Elections.

Background:

Legislation passed in 2017 that added a requirement for cities to designate polling places annually by December 31 for elections to be held the following year. Even if a city does not have a scheduled election for the following year, a resolution must be passed to cover any special elections that may occur the following year. Attached is a resolution for Council consideration as well as Minnesota Statutes §204B.16, Subd. 1, outlining the requirement.

In Minnesota Statutes §204B.16, Subd. 3, there is a provision that no designation of a new or different polling place shall become effective less than 90 days before an election. This first election is scheduled for March 3, 2020, so that requirement has been met.

With the Brooklyn Center schools under construction, the City had to make other arrangements for these polling places. With that said, there are changes to Precinct 1 and Precinct 2 polling places. These two polling places will both are located at the Brooklyn Center Community Center in Constitutional Hall.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	10/8/2019	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING POLLING PLACES FOR THE CITY OF BROOKLYN CENTER FOR 2020 ELECTIONS

WHEREAS, the City of Brooklyn Center is currently constituted into seven election precincts; and

WHEREAS, Minnesota Statutes, Section 204B.16, Subd. 1, requires that by December 31 of each year, the governing body of a municipality must designate a polling place for each election precinct for the following year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the polling places meet the statutory requirements and are hereby designated for 2020 elections as follows:

Precinct 1 – Brooklyn Center Community Center, 6301 Shingle Creek Parkway

Precinct 2 – Brooklyn Center Community Center, 6301 Shingle Creek Parkway

Precinct 3 – Evergreen Park Elementary School, 7020 Dupont Avenue North

Precinct 4 – Spiritual Life Church, 6865 Shingle Creek Parkway

Precinct 5 – Garden City Elementary School, 3501 65th Avenue North

Precinct 6 – Northport Elementary School, 5421 Brooklyn Boulevard

Precinct 7 – Brooklyn Center West Fire Station, 6250 Brooklyn Boulevard

October 14, 2019
Date

_____
Mike Elliott, Mayor

ATTEST: _____
Barb 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: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Doran Cote, P.E., Director of Public Works

SUBJECT: Resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2018-09, Water Tower No. 2 and Water Tower No. 3 Rehabilitation

Requested Council Action:

- Approve a resolution Accepting Work Performed and Authorizing Final Payment, Improvement Project No. 2018-09, Water Tower No. 2 and Water Tower No. 3 Rehabilitation

Background:

On April 9, 2018, the City Council awarded Project No. 2018-09 to TMI Coatings Inc. of St. Paul, Minnesota for the rehabilitation of Water Tower 2 and Water Tower 3. TMI Coatings has successfully completed the construction work and is requesting final payment for the project.

The project was substantially complete on July 29, 2019, with Tower 2 being chlorinated, filled and placed back into service. The contract specified a completion date of October 1, 2018 which was extended to October 6, 2018 with Work Authorization No. 1. The contractor has agreed to a $31,813.40 deduct from the original contract amount for failing to meet the completion date. The contractor has also agreed to a $5,000 deduct for failing to properly restore the Tower 2 site. Restoration at Tower 3 was not included in this contract and was completed under a separate contract with Asphalt and Concrete, Inc. of Maple Grove for $56,994.63.

Budget Issues:

The original contract amount with TMI Coatings Inc. for the water tower rehabilitation was $2,087,000.00. The total value of work certified for final payment is $2,059,436.60. The total project cost including contingencies/administration/engineering/legal is $2,277,172.43 and was completed 3.4 percent under budget in the amount of $54,827.57. The attached resolution provides a summary of the final amended costs and funding sources for the project.

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	10/8/2019	Cover Memo
Negotiated Final Payment	10/7/2019	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, IMPROVEMENT PROJECT NO. 2018-09, WATER TOWER NO. 2 AND WATER TOWER NO. 3 REHABILITATION

WHEREAS, pursuant to a written contract signed with the City of Brooklyn Center, Minnesota, TMI Coatings, Inc. has completed Improvement Project No. 2018-09, Water Tower No. 2 and Water Tower No. 3 Rehabilitation.

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

1. Final payment shall be made on Improvement Project Nos. 2018-09 Water Tower No. 2 and Water Tower No. 3 Rehabilitation, taking the contractor's receipt in full. The total amount to be paid for said improvements under said contract shall be $2,059,436.60.

2. The estimated project costs and revenues are hereby amended as follows:

COSTS	As Awarded	As Final
Construction Cost	$2,087,000.00	$2,059,436.60
Engineering and Administrative	$ 145,000.00	$ 160,741.20
Contingency	$ 100,000.00	$ 56,994.63
TOTAL	$2,332,000.00	$2,277,172.43

REVENUES	As Awarded	As Final
Water Fund	$2,332,000.00	$2,277,172.43

October 14, 2019
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.

City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Project No. 2018-09
Project: Towers 3 and 2 Water Tower Reconditioning

Contractor: TMI Coatings, Inc.

September 27, 2019

The City of Brooklyn Center agrees to deduct $31,813.40 from the final pay application payable to TMI Coatings, Inc. This is in addition to the $5,000 deduct for landscaping costs incurred by the City. The final payment to TMI Coatings, Inc. will be $126,010.85. Payment will be made by October 15, 2019.

Doran Cote, Public Works Director — Date: 9/27/2019

Jared Wiese, TMI Coatings, Inc. — Date: 9/27/19

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Doran Cote, P.E., Director of Public Works

FROM: Andrew Hogg, P.E., Assistant City Engineer

SUBJECT: Resolution Authorizing the Application and Execution of the Metropolitan Council Grant Agreement for Inflow and Infiltration

Requested Council Action:

- *Approve a resolution authorizing the application and execution of the Metropolitan Council grant agreement for inflow and infiltration*

Background:

A 2017 Metro Cities' legislative bonding initiative helped secure state funding and grants for municipalities to reduce inflow and infiltration in their public sewer systems that flow to the Metropolitan Council Environmental Services (MCES) regional treatment system. Criteria included projects that would be constructed between the periods from May 2017 to October 2019. The City already had programmed projects with improvements that qualified for inflow and infiltration mitigation. The City's reconstruction program, specifically the sanitary sewer replacement portion of those projects, qualify for the grant and were therefor submitted for funding including the Evergreen Park Area Reconstruction Project, the Firehouse Park Area Reconstruction Project, Brooklyn Boulevard and 51st Avenue Improvements, and the Interstate Area Reconstruction Project.

On October 13, 2017, the MCES notified the City that it was selected to receive grant funding for a portion of the project improvement costs related to inflow and infiltration improvements. The projects have been completed and the City is required to submit claims to MCES by November 1, 2019, including a resolution of support for the grant agreement.

Budget Issues:

All project costs were originally fully funded out of the City's Sanitary Sewer fund. The Metropolitan Council grant funding was not programmed as part of the original project approval, however, the grant amounts will be used to reimburse the fund for the applicable expenses, estimated at $159,689.

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Resolution	10/8/2019	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE APPLICATION AND EXECUTION OF THE METROPOLITAN COUNCIL GRANT AGREEMENT FOR INFLOW AND INFILTRATION

WHEREAS, the Minnesota State Legislature has appropriated $3,739,000 in general obligation bond funds for grants to municipalities to reduce inflow and infiltration in their public system infrastructure, administered by Metropolitan Council Environmental Services (MCES); and

WHEREAS, application to participate in the MCES 2017 Municipal Grant Program (Grant Program) was made on September 20, 2017, for reimbursement of a percentage of the sanitary sewer improvements as part of the Evergreen Park Area Reconstruction Project in 2017, the Firehouse Park Area Reconstruction Project in 2018, Brooklyn Boulevard and 51st Avenue Improvements in 2018, and the Interstate Area Reconstruction Project in 2019; and

WHEREAS, the City of Brooklyn Center was notified by MCES Letter of Intent dated October 13, 2017, of approval to participate in the Grant Program and of estimated Final Reimbursement Amount (FRA) of $159,689; and

WHEREAS, the City of Brooklyn Center awarded bid for Evergreen Park Area Reconstruction Project on March 27, 2017, and issued payment for the work on April 16, 2018; and

WHEREAS, the City of Brooklyn Center awarded bid for Firehouse Park Area Reconstruction Project on April 23, 2018, and issued payment for the work on September 17, 2019; and

WHEREAS, the City of Brooklyn Center awarded bid for Brooklyn Boulevard and 51st Avenue Improvements on August 13, 2018, and issued payment for the work on October 1, 2019; and

WHEREAS, the City of Brooklyn Center awarded bid for Interstate Reconstruction Project on June 10, 2019, and issued payment for the work on September 3, 2019; and

WHEREAS, Grant Agreement between the Metropolitan Council and the City of Brooklyn Center is currently being drafted by MCES; and

WHEREAS, the City of Brooklyn Center has completed $2,498,670.50 of work eligible for funding and desires to enter into Grant Agreement to finalize the reimbursement process.

RESOLUTION NO. _____

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

1. The City Council hereby approves application for MCES 2017 Municipal Inflow and Infiltration Grant Program.

2. The City Council hereby approves the Grant Agreement between Metropolitan Council and the City of Brooklyn Center and authorizes the City Manager to execute the Grant Agreement, subject to minor modifications and final review by the City Attorney.

October 14, 2019
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: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Todd Berg, Fire Chief

SUBJECT: Recognition for Retiring Paid on Call Firefighter Matt Koegl

Requested Council Action:

- It is recommended that the City Council consider recognizing Firefighter Matt Koegl for 21 years of service to the City of Brooklyn Center

Background:

Please find attached, a City Council resolution expressing appreciation to Firefighter Matt Koegl for his 21 years of service with the Brooklyn Center Fire Department.

Matt Koegl started with the Brooklyn Center Fire Department on September 1, 1997, and retired on July 1, 2019. Over the years of dedicated service, he has held the title of Firefighter, and Captain. Matt has served the citizens of Brooklyn Center in many ways while working on the Fire Department including, fire suppression, driving instructor, dive team member, and new recruit mentor.

Budget Issues:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Koegl Memo	9/27/2019	Cover Memo
Koegl Resolution	9/27/2019	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF MATT KOEGL

WHEREAS, Matt Koegl was hired as a firefighter by the City of Brooklyn Center, on September 1, 1997; and

WHEREAS, Matt Koegl has served the citizens of Brooklyn Center for 21 years and retired at the rank of Captain; and

WHEREAS, Matt Koegl has helped train other firefighters in the safe operation of our trucks as a driving trainer; and

WHEREAS, Matt Koegl was a member of the Dive Rescue Team and served time as the assistant leader; and

WHEREAS, Matt Koegl achieved his call percentages for 262 straight months; and

WHEREAS, Matt Koegl although retired from the Fire Department, continues his service to the public as an employee of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that we recognize the honorable retirement of Matt Koegl on October 14, 2019, and express sincere appreciation for his dedicated public service. We wish Matt and his family, the very best in the future.

October 14, 2019
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: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Todd Berg, Fire Chief

SUBJECT: Recognition for Retiring Paid on Call Firefighter Keith Westerhoff

Requested Council Action:

- It is recommended that the City Council consider recognizing Keith Westerhoff for 20 years of service to the City of Brooklyn Center

Background:

Please find attached, a City Council resolution expressing appreciation to Keith Westerhoff for his 20 years of service with the Brooklyn Center Fire Department.

Keith Westerhoff started with the Brooklyn Center Fire Department on May 1, 1999 and retired on October 1, 2019. Over the years of dedicated service, he has held the title of Firefighter. Keith has served the citizens of Brooklyn Center in many ways while working on the Fire Department including; fire suppression, driver/pump trainer, new recruit mentor and public education events.

Budget Issues:

none

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
memo	9/27/2019	Cover Memo
Westerhoff Resolution Letter	10/11/2019	Resolution Letter

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Suciu, Barb	Approved	10/10/2019 - 11:55 AM
Administration	Boganey, Curt	Approved	10/10/2019 - 12:22 PM

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF KEITH WESTERHOFF

WHEREAS, Keith Westerhoff was hired as a firefighter by the City of Brooklyn Center, on May 1, 1999; and

WHEREAS, Keith Westerhoff has served 20 years as a firefighter with the Brooklyn Center Fire Department; and

WHEREAS, Keith Westerhoff has been a leader in pump operation of our trucks and also sharing his knowledge with others; and

WHEREAS, Keith Westerhoff was a mentor to new recruits; and

WHEREAS, Keith Westerhoff should be acknowledged for his quick station response for calls.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that we recognize the honorable retirement of Keith Westerhoff on October 14, 2019, and express sincere appreciation for his dedicated public service. We wish Keith, the very best in the future.

October 14, 2019
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: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Todd Berg, Fire Chief

SUBJECT: Fire Prevention Week

Requested Council Action:

- Presentation of Fire Prevention Week activities

Background:

The week of October 6 -12 is National Fire Prevention Week. Brooklyn Center Fire will hold educational opportunities for residents throughout the month of October.

Budget Issues:

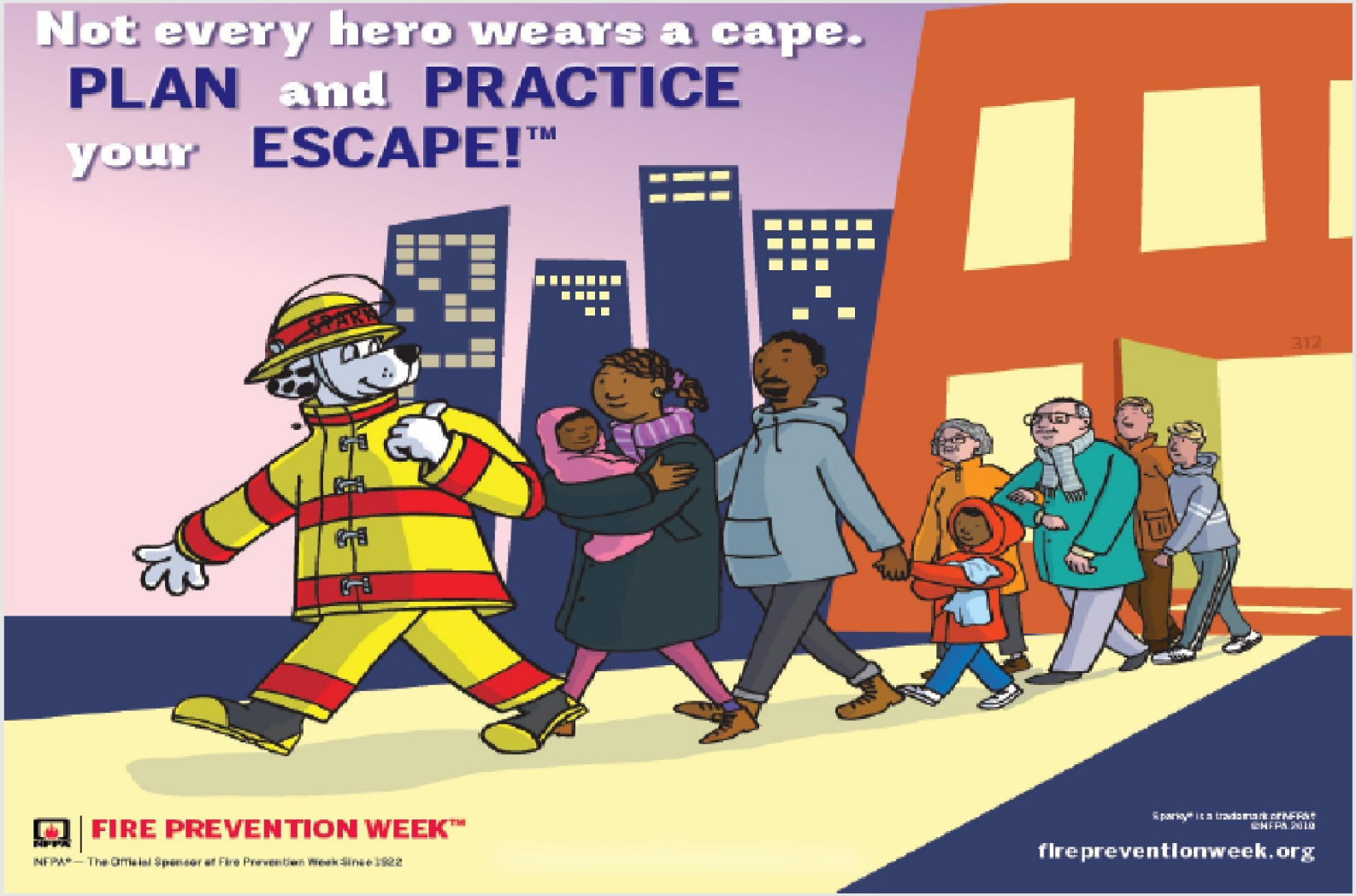
None

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Power Point	9/30/2019	Presentation


Not every hero wears a cape.
PLAN and PRACTICE
your ESCAPE!™
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firepreventionweek.org

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: An Ordinance Amending Chapter 11 of the City Code Regarding Liquor Penalties

Requested Council Action:

- *Motion to:*
  - *Open the public hearing;*
  - *Take public input; and*
  - *Close the public hearing.*

- *Motion to approve the second reading, and adopt an Ordinance 2019-11 Amending Chapter 11 of the City Code of Ordinances Relating to Liquor Penalties*

Background:

The City Council held a public hearing for an establishment that had violated the City's liquor license ordinance on January 14, 2019, for sale of alcohol to a person under the age of 21.

On January 28, 2019, the City Council determined the penalty for the liquor violation for this establishment.

On February 25, 2019, Study Session, the City Council further discussed a uniform method for Liquor Violation penalties.

On July 8, 2019, the City Council reached a consensus on the following penalties: first violation - $500; second violation - $1,000; third violation $1,500; and fourth violation $2,000. Along with the monetary the City Council decided on license suspensions for the second, third, and fourth offense. These suspensions are one-day, three-day, and five-day respectfully. Upon the fifth offense, the license would be revoked.

September 9 was the first reading for the Ordinance amending Chapter 11 of the City Code regarding Liquor penalties at which time there was not any discussion or objection by the City Council.

Tonight is the second reading and public hearing for an ordinance amending Chapter 11 of the City Code regarding Liquor penalties.

Budget Issues:

N/A

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Excerpt from 9-9-19 Minutes	10/1/2019	Cover Memo
Affidavit of Publication	10/1/2019	Backup Material
Ordinance Amendment	10/8/2019	Ordinance

EXCERPT FROM
BROOKLYN CENTER
REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2019

10b. ORDINANCE NO. 2019-11 AMENDING CHAPTER 11 OF CITY CODE OF ORDINANCE RELATED TO LIQUOR PENALTIES

Mr. Edwards reviewed an Ordinance amending Chapter 11 of the City Code related to liquor penalties. He added the amendment, drafted by the City Attorney, establishes a uniform method of imposing penalties for sales of liquor to people under 21 years of age. He noted the Ordinance amendment permits the fee schedule to be applied.

Councilmember Graves moved, and Councilmember Lawrence-Anderson seconded to adopt ORDINANCE NO. 2019-11 Amending Chapter 11 of the City Code of Ordinances Relating to Liquor Penalties and Approve the First Reading and set the Second Reading and Public Hearing for October 14, 2019.

Motion passed unanimously.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

Elise Strecker being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SP Brooklyn Ctr/Brooklyn Park

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 09/19/2019 and the last insertion being on 09/19/2019.

MORTGAGE FORECLOSURE NOTICES Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: _____
Designated Agent

Subscribed and sworn to or affirmed before me on 09/19/2019 by Elise Strecker.

Darlene M MacPherson
Notary Public

DARLENE MARIE MACPHERSON
Notary Public
Minnesota
My Commission Expires January 31, 2024

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$46.90 per column inch

Ad ID 977588

CITY OF BROOKLYN CENTER

Notice is hereby given that a Public Hearing will be held on the 14th day of October, 2019 at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider Amending Chapter 11 Liquor of the City Code regarding Penalties

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2019-11
AN ORDINANCE AMENDING CHAPTER 11 LIQUOR OF THE CITY CODE REGARDING PENALTIES

Section 11-126. PENALTIES. Any person violating any provisions of this Chapter, a condition placed on a license, ~~or~~ Minnesota Statutes, Chapter 340A, as it may be amended from time to time, or any rules promulgated under Minnesota Statutes, Chapter 340A, shall be subject to the following criminal and civil penalties.

Subdivision 1. Criminal Penalties. The person shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000) and imprisonment for not more than 90 days, or both, together with the cost of prosecution.

Subdivision 2. Civil Penalties. The City Council shall impose a civil penalty for a violation, which may include a civil fine of up to $2,000 and may include a suspension of the license for up to 60 days or revocation. The City Council shall establish as part of the City's fee schedule the presumptive civil penalties applicable to violations, including multiple violations within a certain period of time. The City shall provide the licensee notice and an opportunity to be heard by the City Council prior to imposing a civil penalty. The civil penalties in the fee schedule are the presumed sanctions for a violation and failure to pay any civil penalty imposed is grounds for suspension or revocation of the license. In the event the City Council suspends a license, it may select which days a suspension will be served. Notwithstanding any other provisions contained herein, the City Council may revoke a license for any violation of this Chapter when in the judgment of the City Council it is appropriate to do so. The City Council may impose different civil penalties than those set out in the fee schedule when in the judgment of the City Council it is appropriate to do so. Other mandatory requirements may be made of the establishment including, but not limited to, meetings with the police department staff to present a plan of action to ensure any observed problems will not continue, mandatory education sessions, or other actions that the City Council deems appropriate.

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

Barb Suciu
City Clerk0

Published in the
Sun Post
September 19, 2019
977588

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2019-11

AN ORDINANCE AMENDING CHAPTER 11 LIQUOR OF THE CITY CODE REGARDING PENALTIES

Section 11-126. PENALTIES. Any person violating any provisions of this Chapter, a condition placed on a license, Minnesota Statutes, Chapter 340A, as it may be amended from time to time, or any rules promulgated under Minnesota Statutes, Chapter 340A~~,~~ shall be subject to the following criminal and civil penalties.

Subdivision 1. Criminal Penalties. The person shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000) and imprisonment for not more than 90 days, or both, together with the cost of prosecution.

Subdivision 2. Civil Penalties. The City Council shall impose a civil penalty for a violation, which may include a civil fine of up to $2,000 and may include a suspension of the license for up to 60 days or revocation. The City Council shall establish as part of the City's fee schedule the presumptive civil penalties applicable to violations, including multiple violations within a certain period of time. The City shall provide the licensee notice and an opportunity to be heard by the City Council prior to imposing a civil penalty. The civil penalties in the fee schedule are the presumed sanctions for a violation and failure to pay any civil penalty imposed is grounds for suspension or revocation of the license. In the event the City Council suspends a license, it may select which days a suspension will be served. Notwithstanding any other provisions contained herein, the City Council may revoke a license for any violation of this Chapter when in the judgment of the City Council it is appropriate to do so. The City Council may impose different civil penalties than those set out in the fee schedule when in the judgment of the City Council it is appropriate to do so. Other mandatory requirements may be made of the establishment including, but not limited to, meetings with the police department staff to present a plan of action to ensure any observed problems will not continue, mandatory education sessions, or other actions that the City Council deems appropriate.

Section 3. Effective Date. This ordinance shall be effective after adoption and thirty days following its legal publication.

Adopted this _____ day of _____ 2019.

_____

Mike Elliott, Mayor

ATTEST: _____
Barbara Suciu, City Clerk

Date of Publication: September 19, 2019

Effective Date: _____

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Liquor Violation for Jambo Africa

Requested Council Action:

- Determine the violation fee for the liquor violation

Background:

The weekend of August 17th and 18th, the Brooklyn Center Police Department conducted alcohol compliance checks which included all alcohol establishments within the City. The City Code requires annual compliance checks.

During the detail on August 18th, the officer's checked-in at Jambo Africa between 1:32 a.m. and 1:37 a.m. During the check-in, the officer's observed an employee pouring shots of alcohol for a patron while completing the walk-thru. This is a violation of MN State Statute §340A.504, subd. 7:

§Subd. 7.Sales after 1:00 a.m.; permit fee. (a) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the commissioner prescribes. Permits are effective for one year from date of issuance.
A letter was sent to the Ms. Chambliss, owner of Jambo Africa notifying her of the violation and the public hearing before the City Council for determination of the fee for the violation.

City Code states in Section 11-125 Revocation and Suspension: The City Council may suspend or revoke any liquor license or permit and may impose a penalty not to exceed $2,000 pursuant to Minnesota Statutes, Section 340A.415, for the violation of any provision or condition of this Chapter or of any State law or rule or federal law regulating the sale of Liquor. The City Council shall revoke a Liquor License for any willful violation that, under the laws of the State, is grounds for mandatory revocation, including the licensee's failure to maintain the insurance required by Section 11-121 of this Chapter in full force and effect.

Historically, the penalty for a first offense violation has been $500 but that is a decision of the City Council.

Budget Issues:

- None

ATTACHMENTS:

Description	Upload Date	Type
Memo re: Alcohol Compliance Checks	10/9/2019	Backup Material

MEMORANDUM

TO: Barb Suciu, City Clerk

FROM: Tim Gannon, Chief of Police

DATE: September 4, 2019

SUBJECT: Alcohol Compliance Checks

On or around August 15, 2019, the Brooklyn Center Police Department received an anonymous complaint that patrons of Jammin' Wings were ***consuming*** alcohol past the allowable hours. The complaint prompted a phone call by police staff to Wayne Brown, the owner and proprietor of the establishment. Sergeant Becker spoke with Mr. Brown and explained the problem and complaint. She also advised Mr. Brown that all establishments within Brooklyn Center that serve alcohol will be checked for compliance over the weekend of August 16, 2019.

The alcohol compliance checks were completed on August 17, 2019 (Friday evening to Saturday morning) and August 18, 2019 (Saturday evening to Sunday morning) at each of the three establishments that serve alcohol within the city of Brooklyn Center, during the time in question. The compliance checks were conducted by multiple officers in full uniform, utilizing body worn cameras (BWC). The officers entered the establishments and checked to see if all alcohol had been removed from the tables and that alcohol was no longer being *served* or *consumed.*

Several of the businesses were not in compliance for patrons *consuming* alcohol after 1:15 AM. At the advice of our City Attorney, Troy Gilchrist, we will not be pursuing enforcement action for the *consumption* violations. However, during the aforementioned checks, officers discovered alcohol ***service*** violations occurring well past the 1:00 AM deadline; alcohol was being poured into glasses and consumed. The 1:00 AM deadline is clearly outlined within the Brooklyn Center City Ordinance and State Statute addressing alcohol sales.

Jambo Africa failed alcohol ***service*** after 1:00 AM on August 17 (Friday evening to Saturday morning) and August 18, 2019 (Saturday evening to Sunday morning) compliance checks. The details of the compliance checks are summarized on page 2 of this memorandum. The co-owner, Ms. Simone Chambliss was captured via BWC recording on Friday evening. She reassured officers that she would have all of the alcohol consumption cleared by the 1:15 AM deadline. When the time came for officers' to perform the compliance check they observed violations. Friday night (Friday evening to Saturday

morning) they found a liquor bottle in a cooler, in the VIP room, where patrons are able to serve themselves. On Saturday (Saturday evening into Sunday morning) they observed individuals *serving* alcohol from 1:32-1:37 AM, which is well past the deadline of 1:00 AM.

Jambo Africa Compliance Detail

August 17, 2019 (Friday evening/Saturday morning)

- Officers checked the business between **1:12-1:14 AM**
- Actually spoke with Ms. Chambliss (owner) upon arrival
- On BWC Mrs. Chambliss mentions she is aware of the 1:15 AM alcohol consumption deadline
- Not in compliance with *service* laws-officers observe a cooler in the VIP room with a bottle of liquor in it (easily accessible to patrons)
- BWC footage of the duration of the compliance check
- Officers completed a police report to document the incident (19-003895)

August 18, 2019 (Saturday evening/Sunday morning)

- Officers checked business between **1:32-1:37 AM**
- Not in compliance with alcohol *service* laws – officers observed someone pouring 2 shots of whiskey while completing their walk thru
- Also not in compliance with alcohol *consumption* – many open containers on tables and being held by patrons
- Very busy, long line at the door and very crowded inside, shoulder to shoulder as officers walked through
- Difficult to see the entirety of the areas within the establishment due to the number of patrons
- BWC footage of the duration of the compliance check, including alcohol shots being poured
- Officers completed a police report to document the incident (19-003825)

At this time we would like to move forward with an Alcohol ***service*** violation for Jambo Africa. Jambo Africa was witnessed by two police officers and captured on Body Worn Camera either having staff or allowing patrons serve alcohol well after the 1:00 AM deadline.

You will find copies of the police reports included with this memorandum; BWC video recording is also available if needed. Also, a copy of the letter mailed to Jambo Africa that clearly outlines the days and times of allowed alcohol service per City Ordinance and State Statute.

Att. (3)

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Resolutions for Proposed Special Assessments for Nuisance Abatement Costs, Tall Grass and Weed Abatement Costs, Dead and Diseased Tree Abatement Costs and Administrative Fines/Citations

Requested Council Action:

- *Motion to:*
  - *Open the public hearings concurrently;*
  - *Take public input; and*
  - *Close the public hearings.*

-Motion to adopt Resolution Certifying Special Assessments for Nuisance Abatement Costs to the Hennepin County Property Tax Rolls

-Motion to adopt Resolution Certifying Special Assessments for Administrative Citations to the Hennepin County Property Tax Rolls

-Motion to Adopt Resolution Certifying Special Assessments for Diseased Tree Removal Costs to the Hennepin County Property Tax Rolls

-Motion to Adopt Resolution Certifying Special Assessments for Weed Removal Costs to the Hennepin County Property Tax Rolls

-Motion to Approve Resolution Certifying Special Assessments for 6842 West River Rd N Nuisance Abatements Costs to the Hennepin County Property Tax Rolls

Background:

Five public hearings have been scheduled for October 14, 2019 to consider certification of proposed special assessments. The Notice of Public Hearing was posted in the City's official newspaper, the *Sun Post*, on September 19, 2019. All potentially affected property owners have also been notified by certified mail of the date of the public hearing and the amount of the proposed special assessments.

The following is a brief summary of the minimum process involved leading up to a City-facilitated abatement.

- Once a violation verified or correction is identified, a written compliance notice is provided to the owner of record. In addition to notifying the owner of record, in certain cases, properties may be posted or other responsible parties may be notified.
- A follow up inspection is conducted to verify that the property was brought into compliance with the code.

- If compliance has not been achieved, the city will may send additional notices, or take corrective actions to remove the public nuisance or hazard, depending on the nature of the issue.
- In the case of an abatement, the city bills the owner of record for the portion of costs the city incurred directly related to the abatement action. A service charge is applied to help recover administrative costs associated with the abatement process such as time spent on inspections, notifications, invoicing, overhead, etc.
- The costs of the abatements are recorded as pending special assessments and this information is available to the public.
- When a property is sold, title companies, real estate agents, or other parties are obligated to conduct property searches to determine the pending and levied special assessment amounts. Payments of any pending or levied special assessment should be negotiated by the sellers and buyers as part of the sales transactions.

For administrative citations/fines, an appeal process is prescribed by City Ordinance Chapter 18. Information about the appeal process and Timeframe is provided with the citation.

We have received one appeal request relating to citations issued for the property at 2801 63rd Ave N. The appeal has been submitted by the previous property owner who was the recipient of the administrative citations. The citations were issued for failure to submit an Action Plan, which is a requirement of a Type III rental license. Staff recommends that the assessment on the property be pulled from the levy list to be reviewed at the following City Council meeting. This would allow staff time to look into the matter and to present the full details of the citations for City Council to review before making a determination as to how to address the citations.

Public Hearing Process
Staff recommends that the City Council conduct the hearings concurrently. The attached resolutions certifying the assessments to the Hennepin County tax rolls are provided for Council consideration upon closing of the Public Hearings.

If any additional property owner files an appeal with the City Clerk prior to the Public Hearing, or should any person appear at the hearing and object to an assessment, staff recommends that the Council refer any substantive objections to staff for a report back to the Council at a continued hearing to take place in two weeks. This would provide staff time to research the details of the items and assemble documentation for Council's consideration. If any assessments are removed from the proposed levy roll, it is recommended that the Council consider adopting the remaining proposed assessments.

If an appeal for a specific property is filed within district court, the City Attorney will advise the Council of options for handling the dispute and potential litigation issues.

Payment Options Available to Property Owners
Once an assessment roll is adopted by the Council, the owner of each property has the following options:

1. Pay the entire amount of the special assessment, without interest, between October 14, 2019 and November 14, 2019.
2. After November 14, 2019 through November 22, 2019, the property owner may pay the total special assessment plus accumulated interest (5.0 percent) through the date of payment.
3. If payments are made with property taxes, the first payment will be due with taxes in 2020. The total principal will be payable in annual installments for the period stated on the levy roll and as indicated below. Interest of 5.0 percent is accrued on the unpaid balance.

Nuisance Abatement Costs	One Year
Administrative Fines/Citations	One Year
Tall Grass and Weed Abatements	One Year
Dead and Diseased Tree Abatements	Five Years
6842 West River Rd Abatement	Five Years

Partial prepayments (such as paying half now and certifying the balance) are not allowed under current assessment policy.

Budget Issues:

These fees help recover some costs the City incurs related to services provided to specific properties. For accounting purposes, special assessments fees are included in the general fund as revenue. It is anticipated that these costs recovered through special assessments will be received in 2020, and are therefore included in the 2020 budget.
The levy roll for nuisance abatement costs totals $1,772.50.
The levy roll for administrative fines/citation totals $40,855.
The levy roll for weed destruction totals $13,226.25.
The levy roll for dead/diseased tree removal totals $4,189.00.
The levy total for the abatement at 6842 West River Rd is $29,355.00

An updated list will be provided at the Council Meeting reflecting payments made by October 14, 2019.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Public Hearing Notice	9/12/2019	Backup Material
Citations	10/8/2019	Resolution Letter
Citation Levy List	10/8/2019	Exhibit
Abatements	10/8/2019	Resolution Letter
Abatement Levy List	10/8/2019	Exhibit
Tree	10/8/2019	Resolution Letter
Tree Levy List	10/8/2019	Exhibit
Tall Grass and Weeds	10/8/2019	Resolution Letter
Tall Grass and Weeds Levy List	10/8/2019	Exhibit
6842 West River Rd	10/8/2019	Resolution Letter
2801 63rd Ave N Appeal email	10/8/2019	Backup Material

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS

Notice is hereby given that the City Council of the City of Brooklyn Center, Minnesota, will meet in the Council Chambers of Brooklyn Center City Hall at 6301 Shingle Creek Parkway, on Monday, October 14, 2019 at 7 p.m. or as soon thereafter as the matter may be heard, to hear and pass upon any objections to the proposed assessments for the following:

DELINQUENT NUISANCE ABATEMENT ACCOUNTS

It is proposed to assess the costs of delinquent abatement costs to those tracts or parcels where, pursuant to City Ordinance Section 12-1101, 12-1206, 12-1504 and in accordance with MS 429 and 463.251, abatement procedures were performed by order of City Inspectors and the cost for such abatement remains unpaid.

DELINQUENT ADMINISTRATIVE FINES/CITATIONS

It is proposed to assess the costs of delinquent administrative fines/citations to those tracts or parcels where, pursuant to City Ordinance Section 18-204, 18-210 and in accordance with MS 429, delinquent administrative fines/citations were issued and the cost for such fines remains unpaid.

DISEASED TREE REMOVAL COSTS

It is proposed to assess the cost of diseased tree removal to those tracts or parcels where trees were removed by written agreement with the property owner or by order of the City Council pursuant to City Ordinances, Section 20-301 through 20-305 and in accordance with MS 429.

DELINQUENT WEED REMOVAL ACCOUNTS

It is proposed to assess the cost of noxious weed destruction to those tracts or parcels where, pursuant to City Ordinance Section 19-1601 through 19-1604 and in accordance with MS 429, noxious weeds were destroyed by order of the City Weed Inspector and the cost for such destruction remains unpaid.

UTILITY REPAIR COSTS

It is proposed to assess the cost of utility repairs to those tracts or parcels where, pursuant to City Ordinances, Section 04-201 through 04-305 service lines were repaired and the cost for such repairs remain unpaid.

PROCEDURAL INFORMATION FOR OBJECTIONS TO SPECIAL ASSESSMENTS

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or City Clerk. No such appeal as to the amount of an assessment for a specific parcel of land may be made unless the owner has filed a written objection to that objection to that assessment, signed by the affected property owner, with the City Clerk prior to the hearing or has presented such a written objection to the presiding officer at the hearing.

These assessments are now on file at City Hall and open to public inspection. Written or oral objections to the proposed assessments will be considered at this meeting, but the City Council

may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

AUXILIARY AIDS AVAILABLE UPON REQUEST

Auxiliary aids for persons with disabilities are available upon request at least 96 hours (4 days) in advance of the hearing. Please contact the City Clerk at 763-569-3300 to make arrangements.

_____

Barbara Suciu, City Clerk
By order of the City Council

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR ADMINISTRATIVE FINES/CITATION COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused Administrative Fines/Citation costs for certain properties within the City from July 1, 2018 thru September 1, 2019 under the authority of City Ordinance Section 18-204 and Minnesota Statutes, Section 429; and

WHEREAS, on October 14, 2019, certain Administrative Fines/Citation costs remained unpaid; and

WHEREAS, an assessment roll for unpaid accounts from July 1, 2018 thru August 31, 2019 a copy of which is attached hereto and made part hereof by reference, has been prepared, tabulating those properties where Administrative Fines/Citation costs are to be assessed to each property; and

WHEREAS, City Ordinance Section 18-210 and Minnesota State Statute authorizes the certification of certain delinquent Administrative Fines/Citation accounts to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for Administrative Fines/Citation costs.

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

1. The special assessment roll of Administrative Fines/Citation costs incurred from July 1, 2018 thru August 31, 2019 is hereby adopted and certified as Levy No. 20169.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes in 2020, in one annual installment with interest thereon at four (5.0) percent per annum and shall bear interest on the entire assessment from November 1, 2019 through December 31, 2020.

RESOLUTION NO. _____

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City Treasurer, without interest, if the entire assessment is paid on or before November 14, 2019. After November 14, he or she may pay the total special assessment, plus interest. Interest will accumulate from November 1, 2019 through the date of payment. Such payment must be made by the close of business November 22, 2019 or interest will be charged through December 31 of the succeeding year.

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

October 14, 2019
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:
whereon said resolution was declared duly passed and adopted.

Amended Special Assessment Certified Roll (Admin Fines/Citations)
July 1, 2018 - September 1, 2019 Administrative Penalty/Citation
Printed October 08, 2019

Municipal Code No. 22 — Levy Runs One Year

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
20169	6007 Girard Ave N	01-118-21-22-0083	2,100.00	10.00	30.00	2,140.00
20169	5914 Fremont Ave N	01-118-21-22-0093	900.00	10.00	30.00	940.00
20169	5715 Emerson Ave N	01-118-21-23-0017	125.00	10.00	30.00	165.00
20169	5630 Aldrich Ave N	01-118-21-31-0005	875.00	10.00	30.00	915.00
20169	907 57th Ave N	01-118-21-31-0009	125.00	10.00	30.00	165.00
20169	5606 Bryant Ave N	01-118-21-31-0093	1,800.00	10.00	30.00	1,840.00
20169	5529 Aldrich Dr N	01-118-21-31-0136	300.00	10.00	30.00	340.00
20169	1424 55th Ave N	01-118-21-32-0059	500.00	10.00	30.00	540.00
20169	5637 Girard Ave N	01-118-21-32-0078	600.00	10.00	30.00	640.00
20169	5302 Humboldt Ave N	01-118-21-33-0032	300.00	10.00	30.00	340.00
20169	5415 Emerson Ave N	01-118-21-33-0098	425.00	10.00	30.00	465.00
20169	5330 Fremont Ave N	01-118-21-33-0130	125.00	10.00	30.00	165.00
20169	5301 Dupont Ave N	01-118-21-33-0146	375.00	10.00	30.00	415.00
20169	5420 Girard Ave N	01-118-21-33-0167	375.00	10.00	30.00	415.00
20169	5408 Colfax Ave N	01-118-21-34-0058	1,875.00	10.00	30.00	1,915.00
20169	5432 Dupont Ave N	01-118-21-34-0111	1,775.00	10.00	30.00	1,815.00
20169	5930 Earle Brown Dr	02-118-21-12-0010	125.00	10.00	30.00	165.00
20169	5332 Lilac Dr N	02-118-21-33-0014	300.00	10.00	30.00	340.00
20169	5301 Russell Ave N	02-118-21-34-0002	2,000.00	10.00	30.00	2,040.00
20169	5307 Penn Ave N	02-118-21-34-0043	300.00	10.00	30.00	340.00
20169	5603 James Ave N	02-118-21-41-0059	500.00	10.00	30.00	540.00
20169	5642 Logan Ave N	02-118-21-41-0081	4,100.00	10.00	30.00	4,140.00
20169	5520 James Ave N	02-118-21-41-0119	375.00	10.00	30.00	415.00
20169	5501 Logan Ave N	02-118-21-42-0014	125.00	10.00	30.00	165.00
20169	2012 55th Ave N	02-118-21-43-0076	125.00	10.00	30.00	165.00
20169	6101 Xerxes Ave N	03-118-21-11-0017	300.00	10.00	30.00	340.00
20169	6012 Admiral Pl	03-118-21-12-0038	125.00	10.00	30.00	165.00
20169	5308 Lilac Dr N	03-118-21-44-0022	600.00	10.00	30.00	640.00
20169	3321 50th Ave N	10-118-21-13-0013	250.00	10.00	30.00	290.00
20169	4811 Lakeview Ave	10-118-21-32-0054	250.00	10.00	30.00	290.00
20169	4100 Lakebreeze Ave	10-118-21-32-0064	800.00	10.00	30.00	840.00
20169	3601 47th Ave N	10-118-21-42-0028	600.00	10.00	30.00	640.00
20169	7217 Camden Ave N	25-119-21-31-0083	500.00	10.00	30.00	540.00
20169	2208 69th Ave N	26-119-21-34-0005	125.00	10.00	30.00	165.00
20169	7231 Morgan Ave N	26-119-21-42-0055	2,000.00	10.00	30.00	2,040.00
20169	7000 Knox Ave N	26-119-21-44-0016	125.00	10.00	30.00	165.00
20169	6925 Scott Ave N	28-119-21-43-0013	375.00	10.00	30.00	415.00
20169	7012 Unity Ave N	28-119-21-43-0077	125.00	10.00	30.00	165.00
20169	5331 70th Cir	28-119-21-43-0089	425.00	10.00	30.00	465.00
20169	4702 69th Ave N	28-119-21-44-0002	125.00	10.00	30.00	165.00
20169	6319 Perry Ave N	33-119-21-41-0077	125.00	10.00	30.00	165.00
20169	6340 Quail Ave N	33-119-21-41-0095	125.00	10.00	30.00	165.00
20169	6300 Perry Ave N	33-119-21-41-0131	125.00	10.00	30.00	165.00
20169	6124 Scott Ave N	33-119-21-43-0018	125.00	10.00	30.00	165.00

Amended Special Assessment Certified Roll (Admin Fines/Citations)
July 1, 2018 - September 1, 2019 Administrative Penalty/Citation
Printed October 08, 2019

Municipal Code No. 22 — Levy Runs One Year

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
20169	5401 63rd Ave N	33-119-21-43-0081	125.00	10.00	30.00	165.00
20169	3101 68th Ave N	34-119-21-11-0074	250.00	10.00	30.00	290.00
20169	6607 Beard Ave N	34-119-21-13-0011	300.00	10.00	30.00	340.00
20169	6533 Drew Ave N	34-119-21-13-0036	125.00	10.00	30.00	165.00
20169	6500 Brooklyn Blvd	34-119-21-13-0084	125.00	10.00	30.00	165.00
20169	6740 Grimes Pl	34-119-21-21-0026	300.00	10.00	30.00	340.00
20169	6437 Kyle Ave N	34-119-21-32-0109	1,250.00	10.00	30.00	1,290.00
20169	6243 France Ave N	34-119-21-34-0094	300.00	10.00	30.00	340.00
20169	3307 Poe Rd	34-119-21-41-0070	250.00	10.00	30.00	290.00
20169	1505 69th Ave N	35-119-21-11-0005	125.00	10.00	30.00	165.00
20169	2801 63rd Ave N	35-119-21-33-0019	3,500.00	10.00	30.00	3,540.00
20169	615 66th Ave N	36-119-21-13-0119	125.00	10.00	30.00	165.00
20169	6835 Colfax Ave N	36-119-21-21-0015	600.00	10.00	30.00	640.00
20169	1316 68th Ln N	36-119-21-22-0059	2,100.00	10.00	30.00	2,140.00
20169	6620 Bryant Ave N	36-119-21-24-0017	300.00	10.00	30.00	340.00
20169	6337 Bryant Ave N	36-119-21-31-0042	600.00	10.00	30.00	640.00
20169	6430 Humboldt Ave N	36-119-21-32-0044	125.00	10.00	30.00	165.00
20169	6221 Bryant Ave N	36-119-21-34-0050	125.00	10.00	30.00	165.00
					Total:	**40,855.00**

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR NUISANCE ABATEMENT COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused abatement removal on certain properties within the City from July 1, 2018 thru September 1, 2019 under the authority of City Ordinance Section 12-1504 and Minnesota Statutes, Section 429 and/or by written agreement with the owners of such property; and

WHEREAS, on October 14, 2019, certain abatement accounts remained unpaid; and

WHEREAS, an assessment roll for unpaid accounts from July 1, 2018 thru September 1, 2019, a copy of which is attached hereto and made part hereof by reference, has been prepared, tabulating those properties where abatement costs are to be assessed, together with the amounts proposed to be assessed to each property; and

WHEREAS, Minnesota State Statute authorizes the certification of delinquent abatement accounts to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for abatement costs.

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

1. The special assessment roll of abatement costs incurred from July 1, 2018 thru August 31, 2019 is hereby adopted and certified as Levy No. 20168.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes in 2020, in one annual installment with interest thereon at 5 percent per annum and shall bear interest on the entire assessment from April November 1, 2019 through December 31, 2020.

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City Treasurer, without interest, if the entire assessment is paid on or before November 14, 2019. After November 14, 2019, he or she may pay the total special assessment, plus interest. Interest will accumulate from November 1, 2019 through the date of payment. Such payment must be made by the close of business November 22, 2019 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. _____

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

October 14, 2019 _____
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:
whereon said resolution was declared duly passed and adopted.

Amended Special Assessment Certified Roll (Abatement)
July 1, 2018 - September 1, 2019 Abatement
Printed October 08, 2019

Municipal Code No. 22

Levy Runs One Year

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
20168	5415 Dupont Ave N	01-118-21-33-0080	572.50	10.00	30.00	612.50
20168	3812 58th Ave N	03-118-21-24-0082	650.00	10.00	30.00	690.00
20168	6842 Drew Ave N	34-119-21-12-0028	430.00	10.00	30.00	470.00
					Total:	**1,772.50**

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR DISEASED TREE REMOVAL COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused the removal of trees on certain properties within the City during 2019 under the authority of Minnesota Statutes, Section 18G.13, City Ordinance Section 20-301 through 20-306 and/or by written agreement with the owners of such property; and

WHEREAS, on October 14, 2019, certain tree removal costs remained unpaid; and

WHEREAS, an assessment roll for unpaid accounts during 2019, a copy of which is attached hereto and made part hereof by reference, has been prepared, tabulating those properties where tree removal costs are to be assessed, together with the amounts proposed to be assessed to each property; and

WHEREAS, Minnesota State Statute authorizes the certification of delinquent tree removal costs to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for tree removal costs.

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

1. The special assessment roll of tree removal costs incurred during the year 2019 is hereby adopted and certified as Levy No. 20252.

2. The special assessments as adopted and confirmed shall be payable in equal annual installments with interest thereon at 5 percent per annum, extending over a period of five years. The first of the installments shall be payable with ad valorem taxes in 2020, and shall bear interest on the entire assessment from November 1, 2019 through December 31, 2020. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City, without interest, if the entire assessment is paid on or before November 14, 2019. After November 14, 2019, he or she may pay the total special assessment, plus interest. Interest will accumulate from

RESOLUTION NO. _____

November 1, 2019 through the date of payment. Such payment must be made by the close of business November 22, 2019 or interest will be charged through December 31 of the succeeding year.

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

October 14, 2019
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:
whereon said resolution was declared duly passed and adopted.

Amended Special Assessment Certified Roll (Trees)
2019 Tree Removal
Printed October 08, 2019

Municipal Code No. 22

Levy Runs Five Years

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
20252	5401 Logan Ave N	02-118-21-43-0065	650.00	30.00	30.00	710.00
20252	4019 Joyce La	34-119-21-34-0102	1,024.00	30.00	30.00	1,084.00
20252	3907 Joyce La	34-119-21-34-0107	850.00	30.00	30.00	910.00
20252	6842 West River Rd	36-119-21-12-0011	1,425.00	30.00	30.00	1,485.00
					Total:	**4,189.00**

Member introduced the following resolution and moves its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR WEED REMOVAL COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused noxious weeds and tall grass to be cut down on properties within the City under the authority of Minnesota Statutes Section 18.78 and City Ordinance Section 19-1601 through 19-1604; and

WHEREAS, on October 14, 2019, certain weed destruction accounts for removal of said weeds and tall grass costs remained unpaid; and

WHEREAS, an assessment roll for unpaid accounts from 2019, a copy of which is attached hereto and made part hereof by reference, tabulating those properties where unpaid weed destruction account costs are to be assessed to each property; and

WHEREAS, Minnesota State Statute authorizes the certification of delinquent weed destruction accounts to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for weed destruction costs.

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

1. The special assessment roll of unpaid weed destruction accounts incurred during the year 2019 is hereby adopted and certified as Levy No. 20253.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes in 2020, in one annual installment with interest thereon at 5 percent per annum and shall bear interest on the entire assessment from November 1, 2019 through December 31, 2020.

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City Treasurer, without interest, if the entire assessment is paid on or before November 14, 2019. After November 14, 2019, he or she may pay the total special assessment, plus interest. Interest will accumulate from November 1, 2019 through the date of payment. Such payment must be made by the close of business November 22, 2019 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. _____

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

October 14, 2019
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:
whereon said resolution was declared duly passed and adopted

Amended Special Assessment Certified Roll (Grass/Weeds)
2019 Weed Destruction
Printed October 08, 2019

Municipal Code No. 22 Levy Runs One Year

Levy No.	Property Address	Property ID	Pending Amount	Capital Interest Charge	Special Assessment Charge	Total Amount Certified
20253	5900 Colfax Ave N	01-118-21-21-0119	502.50	10.00	30.00	542.50
20253	1208 57th Ave N	01-118-21-23-0020	251.25	10.00	30.00	291.25
20253	5807 Girard Ave N	01-118-21-23-0055	240.00	10.00	30.00	280.00
20253	5737 Dupont Ave N	01-118-21-23-0063	525.00	10.00	30.00	565.00
20253	5631 Emerson Ave N	01-118-21-32-0109	240.00	10.00	30.00	280.00
20253	5405 Girard Ave N	01-118-21-33-0062	273.75	10.00	30.00	313.75
20253	5415 Dupont Ave N	01-118-21-33-0080	480.00	10.00	30.00	520.00
20253	5452 Fremont Ave N	01-118-21-33-0109	240.00	10.00	30.00	280.00
20253	5309 Emerson Ave N	01-118-21-33-0120	480.00	10.00	30.00	520.00
20253	5330 Fremont Ave N	01-118-21-33-0130	262.50	10.00	30.00	302.50
20253	5301 Dupont Ave N	01-118-21-33-0146	296.25	10.00	30.00	336.25
20253	2024 Ericon Dr	02-118-21-42-0099	273.75	10.00	30.00	313.75
20253	5601 Logan Ave N	02-118-21-42-0120	1,038.75	10.00	30.00	1,078.75
20253	5344 Irving Ave N	02-118-21-44-0118	251.25	10.00	30.00	291.25
20253	3715 58th Ave N	03-118-21-24-0059	480.00	10.00	30.00	520.00
20253	4012 58th Ave N	03-118-21-24-0106	240.00	10.00	30.00	280.00
20253	5300 Twin Lake Blvd E	03-118-21-34-0018	262.50	10.00	30.00	302.50
20253	4816 Twin Lake Ave	10-118-21-32-0060	480.00	10.00	30.00	520.00
20253	6931 Toledo Ave N	28-119-21-43-0041	525.00	10.00	30.00	565.00
20253	5330 63rd Ave N	33-119-21-42-0117	1,267.50	10.00	30.00	1,307.50
20253	3501 66th Ave N	34-119-21-13-0044	742.50	10.00	30.00	782.50
20253	6407 Marlin Dr	34-119-21-31-0072	561.25	10.00	30.00	601.25
20253	3906 Janet La	34-119-21-34-0013	1,038.75	10.00	30.00	1,078.75
20253	6243 France Ave N	34-119-21-34-0094	251.25	10.00	30.00	291.25
20253	3224 Lawrence Rd	34-119-21-44-0092	480.00	10.00	30.00	520.00
20253	6130 Emerson Ave N	36-119-21-33-0030	502.50	10.00	30.00	542.50
					Total:	**13,226.25**

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR NUISANCE ABATEMENT COSTS TO THE HENNEPIN COUNTY TAX ROLLS

WHEREAS, the City of Brooklyn Center has caused abatement removal at the property located at 6842 West River Rd N, Brooklyn Center, MN under the authority of City Ordinance Section 12-1504 and Minnesota Statutes, Section 429 and/or by written agreement with the owners of such property; and

WHEREAS, David W. Berg and Gwendyne C. Berg are the owners of the property located at 6842 West River Rd N located in Brooklyn Center; and

WHEREAS, on August 13, 2018, the City Council passed Resolution No.2018-144 declaring the partially-built house and accessory structures located on the Property to be hazardous buildings within the meaning of Minnesota Statutes, Section 463.15; and

WHEREAS, on October 14, 2019, the abatement account remained unpaid; and

WHEREAS, the property located at 6842 West River Rd N, Brooklyn Center, MN has a remaining special assessment balance of $29,355.00 for clean-up that occurred at the property between May 1, 2019 through June 30, 2019; and

WHEREAS, the City Council approved resolution number 2019-## approving the restoration agreement with respect to the property at 6842 West River Rd N, Brooklyn Center.; and

WHEREAS, Minnesota State Statute authorizes the certification of delinquent abatement accounts to the County tax rolls for collection; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for abatement costs.

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

1. The special assessment of $29,355 for the property located at 6842 West River Rd N, Brooklyn Center is hereby adopted and certified as Levy No. 20233.

2. The special assessments as adopted and confirmed shall be payable in equal annual installments with interest thereon at 5 percent per annum, extending over a period of five years. The first of the installments shall be payable with ad valorem taxes in 2020, and shall bear interest on the entire assessment from November 1, 2019 through December 31, 2020. To each subsequent

installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment, to the City Treasurer, without interest, if the entire assessment is paid on or before November 14, 2019. After November 14, 2019, he or she may pay the total special assessment, plus interest. Interest will accumulate from November 1, 2019 through the date of payment. Such payment must be made by the close of business November 22, 2019 or interest will be charged through December 31 of the succeeding year.

4. The City Clerk shall forthwith transmit a certified duplication of this assessment to the County Auditor to be extended on the proper tax lists of the county and such assessments shall be collected and paid over in the same manner as other municipal taxes.

October 14, 2019
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:
whereon said resolution was declared duly passed and adopted.

Barbara Suciu

From: Tom Bennett <tom@vendingminnesota.com>
Sent: Monday, September 23, 2019 5:19 PM
To: City Clerk
Subject: special assessment for 2801 63rd Ave N

To Whom It May Concern,

I am asking to eliminate or reduce a special assessment of $3500 that was placed on my property located at 2801 63rd Ave N in Brooklyn Center. The fine is the result of me not submitting a business plan. Nothing more. This fine is excessive and unnecessary. I communicated with the staff in the licensing department on a few occasions that I had submitted a business plan in 2016 if they really wanted one they could look up that one and that I was planning selling the house and evicting or at least not renewing my tenants and would not require the license and therefor the business plan was not needed.

I also mentioned that the business plan was superfluous since most of the action items on the outlined business plan that was mailed to me where already completed recently (new security doors, new A/C and furnace, etc.) The only item that needed to be completed was the roof which I had been saving for as indicated in my previous business plan that was submitted two years prior. The roof by the way was replaced in March of 2019.

I also voiced my frustration over needing to do a business plan due to the over reaching and superficial nature of violations that were discovered by the rental license inspector in the first place and made the business plan necessary. The flagged items were as follows: The basement utility sink had a slow drip, I had a light bulb missing in a fixture in the garage, The CO detector was not in it's proper location, my tenants for some reason switched the location of the smoke and carbon monoxide detector with the smoke detector located in an adjacent room which I did not catch when I tested the units in preparation for the inspection and the globe around the light bulb on the range hood was missing according to the inspector. The last item really frustrated me because I believe the unit never came with a globe around the bulb. It never had one since I bought the house in 2002. It also was never noticed by any of the other inspectors and it was the last item found to be in noncompliance during the inspection. It also may interest you that all I did to regain compliance was to duct tape a Tupperware container over the light bulb. This was suitable to the inspector. I later removed the "globe" because it was an obvious fire hazard to me and replaced the hood entirely.

Here is a brief overview of the events that lead up to this special assessment (I apologize if some of the dates and times are not accurate, I did not see the need to document my correspondence with the city and I only remember the details of the conversation and not the exact dates they occurred):
-3/02 I purchased the property and lived there until 7/09

-8/09 I began renting the property. I had the same tenants until I asked them to leave 4/18

-11/17 I begin the process to acquire my 2018 rental license and have my property inspected. I was found to be in noncompliance on 4 items which I mentioned earlier in this email. I fixed 2 of the 4 before the inspector left and had the other two before the second inspection

-12/17 I receive my rental license

-1/18-2/18 I begin getting letters and fines for not submitting a business plan. I called the city for the first time about this and that is when I explain that I have a business plan on file and would be most likely not renting in

2019 and therefore not needing the business plan. I was told this was "Okay" by a staff member at the city. I had not told the city at this point that I would be evicting/removing my tenants

-4/18 I get more letters and fines so I called the city and reiterated my reason for not submitting my business plan. Just prior to this I told my tenants I would not be renewing the lease in August and that they would be evicted if they did not submit the back rent. I forwarded this information to the staff member I talked to as well to justify my reasoning on the license paperwork.

-6/18 or so, I get more letters and fines. At this point I ignore them because I am planning on selling the property anyway and would not need another rental license which is what the business plan was all about in the first place.

-11/18 I begin prepping the house to sell.

-3/19 I have a signed purchase agreement but my real estate agent informs me of a $3500 special assessment on my property that must be paid before I can sell. I call the city and speak and the staff member informs me that this is because I didn't submit my business plan. When I tell him about my conversations about this with his co workers I was told that the conversations did not happen and that I had to submit in writing that I would be surrendering my rental license. I was also told that I had until September to pay the assessment or speak at a city council meeting and try to have the assessment changed or removed.

-8/19 (late in the month) I call and leave a message asking for more information about the city council meeting I needed to attend. No phone call was returned.

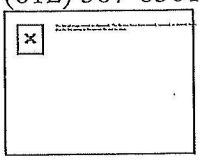
-9/19 I spoke with Barb in the clerks office on the phone and she told me she would look into the assessment and the date on the meeting. I find out the date on my own and hire a lawyer to help me with the assessment.

-9//22/19 my employer sends me to San Francisco for work and here I am writing this email to you and unable to attend the City Council meeting and unable to reach my lawyer.

Thank you for your time and attention in this matter. I am happy to pay a small portion of the assessment. I reread all of the letters that where sent to me and it seems sophomoric that I didn't just submit the unnecessary business plan. I am staunch in my belief however that this fine is over reaching in it's dollar amount and not fitting of a citizen that has peacefully lived in or, rented out, a nice quiet little house and payed taxes to the City of Brooklyn Center for 17 years.

--
Best Regards,

Tom Bennett
(612) 387-8301



COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapter 12 of the City Code Adopting the International Property Maintenance Code

Requested Council Action:

- *Motion to:*
  - *Open the public hearing;*
  - *Take public input; and*
  - *Close the public hearing.*

- *Motion to approve the second reading, and adopt Ordinance 2019-10 Amending Chapter 12 of the City Code of Ordinances Regarding Property Maintenance to Adopt the International Property Maintenance Code.*

- *Motion to approve a resolution approving a Summary Publication for Ordinance 2019-10.*

Background:

On October 22, 2018, the City Council discussed the International Property Maintenance Code (IPMC) at the Council work session. Staff was directed to bring the IPMC to the Housing Commission to have them review the document, identify any amendments to it, and make a recommendation to the City Council regarding its adoption.

The Housing Commission reviewed the IPMC and provided direction to staff relating to the draft ordinance over the course of two meetings. The Housing Commission made recommendations regarding changes to the IPMC that would make it more applicable to Brooklyn Center. The recommended changes to the ordinance were then reviewed by the city attorney's office before going back to the Housing Commission for final review.

At the August 20, 2019 Housing Commission Meeting, the Commission unanimously passed a motion recommending that the City Council adopt the IPMC along with certain amendments as part of an amended Chapter 12.

At the September 9, 2019 City Council Meeting the Council approved the first reading of the ordinance and called for a public hearing to be held on October 14, 2019. Notice of the public hearing was placed in the *Sun Post* newspaper.

City staff have also included information to the city's rental property managers and landlords in the ARM newsletter and in person at two recent ARM meetings.

IPMC Background

The City of Brooklyn Center has property maintenance standards for all properties within the City, which are adopted as part of Chapter 12, Building Maintenance and Occupancy Ordinance, of the City Code. 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 maintenance standards are mainly used for the inspection of licensed rental properties, but are also used for the enforcement of property maintenance violations of owner occupied properties by code enforcement.

The City's property maintenance requirements are fairly comprehensive and have been in place for many years; however, they are not standardized or consistent with other communities. They were written individually for Brooklyn Center. This does not make them inherently less legally enforceable; however, property maintenance requirements, because of their complexity, are easier to enforce if they follow consistent regulations. The IPMC, is a standardized property maintenance code which is widely accepted and well known. Using it as the standard makes communicating with landlords, contractors, and property owners clearer, and enforcement easier.

The following are reasons to adopt the IMPC:

- The ordinance has been national 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 IPMC that address changing housing standards and advancements, which would be automatically adopted into the city's standards and would not require ongoing amendments to Chapter 12;
- The IPMC references the building and residential codes, which helps with clarity and consistency;
- Cities that adopt the IPMC may adopt the regulations in their entirety, or may make amendments to them in order to address specific needs of the community.

Staff and the Housing Commission have reviewed the IPMC to determine how it compares with the city's current regulations. After an in-depth review, they have determined that the IPMC is a more thorough and detailed maintenance standard then the city's existing regulations.

The following provides an overview of the proposed changes to Chapter 12, as well as a description of the chapters of the IPMC and the recommended amendments to it.

Overview of Chapter 12 Amendments:

- 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 a the adoption of the IPMC, with the exception the following sections of Chapter 12, which are items not otherwise addressed by the IPMC:
    - Chapter 12-302: Snow Removal
    - Chapter 12-303: Parking provided for tenants
    - Chapter 12-304: Fence Maintenance
    - 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 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 discuss in other City Ordinances.
- Chapter 309: Pest Elimination, language has been simplified holding the owner of the property responsible for pest elimination.

Budget Issues:

There will be no budget impact. There will be some staffing time spent updating our permit database. Current staff are already certified by the International Code Council for the International Property Maintenance Code.

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Affidavit of Publication	10/1/2019	Backup Material
Ordinance	10/10/2019	Ordinance
IPMC	9/23/2019	Backup Material
Resolution	10/10/2019	Resolution Letter

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

Elise Strecker being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SP Brooklyn Ctr/Brooklyn Park

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 09/19/2019 and the last insertion being on 09/19/2019.

MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: _____
Designated Agent

Subscribed and sworn to or affirmed before me on 09/19/2019 by Elise Strecker.

Darlene M MacPherson
Notary Public

DARLENE MARIE MACPHERSON
Notary Public
Minnesota
My Commission Expires January 31, 2024

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$46.90 per column inch

Ad ID 977590

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 14th day of October, 2019, 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 amending the building maintenance provisions.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2019-10
AN ORDINANCE AMENDING CHAPTER 12 REGARDING PROPERTY MAINTENANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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

Article I. Building Maintenance. Sections 12-201 through 12-805 are hereby deleted in their entirety and are replaced with the following:

Section 12-201. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Chapter where not otherwise defined within a Section:

1. Approved – acceptable to the jurisdiction having authority and meeting all applicable Codes.

2. Accessory Structure – a structure subordinate to the main or principal building that is not used nor authorized to be used for living or sleeping by human occupants and that is located on or partially on the premises.

3. Affordable Housing Building - a multifamily rental dwelling, as defined in Section 12-201(26), having three or more dwelling units and where any of the units rent for an amount that is affordable to households at or below 80% of area median income, as median income is most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

4. Affordable Housing Unit – a rental unit in an affordable housing building that rents for an amount that is affordable to households at or below 80% of area median income, as median income is most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

5. Building – any structure used or intended for supporting or sheltering any use or occupancy.

6. Child – any person under the age of eighteen (18).

7. Child Care Facility – a facility licensed by the Minnesota Department of Human Services to provide child care for six or more children at one time. This term also includes, but is not limited to, facilities having programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers, cooperative day care centers and Head Start programs.

8. Cause – the tenant or a member of the tenant's household violates a provision of the City's rental housing provisions including, but not limited to, Section 12-915 Crime Free/Drug Free Housing Lease Addendum, or materially violates a term of the lease related to one or more of the following:

a. Nonpayment of rent;

b. Malicious destruction of the affordable housing unit or the affordable housing building;

c. Disturbance of the peace verified by the police department; or

d. A violation of any of the covenants in Minnesota Statutes, section 504B.171.

9. Compliance Official – the City Manager and the Manager's designated agents authorized to administer and enforce this Chapter.

10. Designated Predatory Offender – any person who has been categorized as a Level III predatory offender under Minnesota Statutes, Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

11. Disorderly Activities – any activities listed in Section 12-911.

12. Dwelling – a building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two- family dwellings, and multiple family dwellings; but not including hotels and motels.

13. Dwelling Unit – a single residential accommodation that is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

14. Family – any of the following definitions shall apply:

– Persons related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit;

–Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency;

–A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

15. Garbage – putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

16. Lease – an oral or written agreement creating a tenancy in real property.

17. Material Change – a change in the terms of a lease, either through an amendment of an existing lease or the adoption of a new lease, that significantly limits or restricts the tenants use and enjoyment of an affordable housing unit or the affordable housing building.

18. Multiple Family Dwelling – a dwelling or portion thereof containing three or more dwelling units.

19. Nonresidential Building – all buildings or structures other than dwellings or dwelling units.

20. Occupant – any person (including owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit, or premise.

21. Operator – the owner or agent who has charge, care, control, or management of a building or part thereof.

22. Owner – a person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

23. Permanent Residence – a place where a person abides, lodges, or resides for 14 or more consecutive days.

24. Person – an individual, firm, partnership, association, corporation or joint venture or organization of any kind.

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

26. Premises – a platted lot or part thereof or unplatted parcel of land, either unoccupied or occupied by any structure thereon.

27. Public Playground – an area designated primarily for children's play including a school building playground, a child care building playground, a play area of a public park, or an area that contains permanent play equipment.

28. Refuse – all putrescible and nonputrescible waste solids including garbage and rubbish.

29. Reinspection – a follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner, or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.

30. Relocation Assistance – a payment to the tenant of an affordable housing unit in the amount equal to three months of the current monthly lease rent.

31. Repair – to restore to a sound and acceptable state of operation, serviceability or appearance.

32. Rental Dwelling – the term "rental dwelling" means any occupied dwelling or dwelling unit that is not occupied by the owner of record regardless of compensation. The term includes any dwelling or dwelling unit occupied by a relative of the owner.

33. Rubbish – nonputrescible solid wastes consisting of both

combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery and similar materials.

34. Safety – the condition of being reasonably free from danger and hazards that may cause accidents or disease.

35. School – any public or nonpublic elementary school, middle school, or secondary school as those terms are defined in Minnesota Statutes, Section 120A.05.

36. Single Family Attached – includes a townhome, rowhouse, duplex, or similar dwelling unit.

37. Structure – that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

38. Supplied – paid for, furnished by, provided by or under the control of the owner, operator, or agent of a building.

39. Temporary Residence – a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

40. Tenant – any person occupying any dwelling or having possession of a space within a dwelling who has the legal right to occupy the dwelling unit, where a legal owner does not reside.

41. Tenant Protection Period – the period that commences on the date when a written notice of the transfer of ownership is sent to each affordable housing unit tenant pursuant to Section 12-912D(2) and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant protection period be less than 90 days.

42. Transfer of Ownership – any transfer of ownership of an affordable housing building by an owner to another person, agent, firm, or corporation that becomes the new owner.

43. Meaning of Certain Words – whenever the words "dwelling", "dwelling unit", "premises", "building", or "structure" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

Section 12-301. PROPERTY MAINTENANCE CODE. International Property Maintenance Code, 2018 edition, as published by the International Code Council is hereby adopted as the Property Maintenance Code of the City of Brooklyn Center in the State of Minnesota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Brooklyn Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions, and changes, if any, prescribed in Section 12-302 of this Chapter. For the purposes of administering and enforcing the provisions of the Property Maintenance Code of the City of Brooklyn Center, the definitions contained in the International Property Maintenance Code, 2018 edition shall be controlling over the definitions contained in this Chapter, except to the extent a definition within the International Property Maintenance Code is expressly not adopted.

Section 12-302. INTERNATIONAL PROPERTY MAINTENANCE CODE. The following sections are hereby amended as follows:

Section 101.1 – Insert City of Brooklyn Center

Section 102.3 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 102.7 – Not adopted

Section 103.5 – Not adopted

Section 107.6 – Not adopted

Section 109.6 – Not adopted

Section 111.1 – Delete 20 days and change to 10 days

Section 111.2 to 111.2.5 – Not adopted

Section 111.3 – Delete 20 days and change to 30 days

Section 112.4 – Insert $1,000.00

Section 201.3 – Delete 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 and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 202 – The definitions for the following terms are not adopted:

Garbage

Inoperable motor vehicle

Rubbish

Section 302.4 – Not adopted

Section 302.5 – Add "and licensed contractor"

Section 302.8 – Not adopted

Section 304.1.1 – Delete International Building Code or the International Existing Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

302.15 – Remove the word "exterior"

Section 304.14 – Insert May 1 to October 31

Section 305.1.1 – Delete International Building Code or the International Existing Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 306.1.1 – Delete International Building Code or the International Existing Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 309.1 – Add "and licensed contractor"

Section 309.2 – Add "or during Occupancy"

Section 309.3 – Not adopted

Section 309.4 – Not adopted

Section 309.5 – Delete the exception clause

Section 401.3 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 402.2 – Add "or equivalent"

Section 403.3, Exceptions 2 – Add "and the similar appliances"

Section 403.5 – Add "and meet Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota"

Section 404.2 – Delete 3 feet (914 mm) and insert 30 inches (762 mm)

Section 505.1 – Delete International Plumbing Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 506.1 – Delete "either" and delete "or to an approved private sewage disposal system"

Section 602.2 – Delete International Plumbing Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 602.3 – Insert September 1 to May 31

Section 602.4 – Not adopted

Section 604.3.1.1 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 604.3.2.1 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 606.1 – Delete ASME A17.1 and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 702.1 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 7.2.2 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 703.2 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 703.7 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.1 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.1.2 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.1.3 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.3 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.3.1 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.4.2 – Not adopted

Section 704.4.3 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.5.1 – Exception Clause delete Section 912.45 and replace with Section 912; Delete International Fire Code and replace with Minnesota Fire Code.

704.6.1.4 – Not adopted

Section 704.6.4, Subsection 1 – Delete International Fire Code and replace with Minnesota Fire Code

Section 704.6.4, Subsection 2 – Delete International Fire Code and replace with Minnesota Fire Code

Section 705.1 – Delete Section 1103.9 and replace with Minnesota Statues, sections 299F.50 and 299F.51; Delete International Fire Code and replace with Minnesota Fire Code

Section 12-303. REMOVAL OF SNOW AND ICE. Every occupant and owner of a dwelling containing a single dwelling unit, and the owner of a multiple family dwelling or a nonresidential building shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall. Individual snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch, shall be removed from steps and walkways within eight hours after cessation of the snowfall.

Section 12-304. MAINTENANCE OF DRIVING AND PARKING AREAS. The owner of a building shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants consistent with Chapter 35 of the City Code of Ordinances.

Section 12-305. FENCE MAINTENANCE. All fences shall consist of metal, wood, masonry, or other decay resistant material. Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. If the exterior surface is unpainted or determined by the Compliance Official to be paint blistered, the surface shall be painted. If the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

Section 12-306. FACILITIES TO FUNCTION. Every supplied facility, piece of equipment or utility required under the City Code of Ordinances and every chimney and flue shall be installed and maintained and shall function effectively in a safe, sound, and working condition.

Section 12-307. YARD COVER. Every yard of a premises on which a building stands shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and related decorative materials and such yard shall be maintained consistent with prevailing community standards. Nonresidential sites shall be maintained in accordance with an approved City landscape plan and shall be supplied with an irrigation system.

Section 12-308. SCREENING. All outside trash disposal facilities, recycling containers, and outside or rooftop mechanical equipment shall be screened from view by an opaque fence or wall high enough to completely screen the equipment.

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

Barb Suciu
City Clerk

Published in the
Sun Post
September 19, 2019
977590

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 14th day of October, 2019, 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 amending the building maintenance provisions.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2019-10

AN ORDINANCE AMENDING CHAPTER 12 REGARDING PROPERTY MAINTENANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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

Article I. Building Maintenance. Sections 12-201 through 12-805 are hereby deleted in their entirety and are replaced with the following:

Section 12-201. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Chapter where not otherwise defined within a Section:

1. Approved – acceptable to the jurisdiction having authority and meeting all applicable Codes.

2. Accessory Structure – a structure subordinate to the main or principal building that is not used nor authorized to be used for living or sleeping by human occupants and that is located on or partially on the premises.

3. Affordable Housing Building - a multifamily rental dwelling, as defined in Section 12-201(26), having three or more dwelling units and where any of the units rent for an amount that is affordable to households at or below 80% of area median income, as median income is most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

4. Affordable Housing Unit – a rental unit in an affordable housing building that rents for an amount that is affordable to households at or below 80% of area median income, as median income is most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

5. Building – any structure used or intended for supporting or sheltering any use or occupancy.

6. Child – any person under the age of eighteen (18).

7. Child Care Facility – a facility licensed by the Minnesota Department of Human Services to provide child care for six or more children at one time. This term also includes, but is not limited to, facilities having programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers, cooperative day care centers and Head Start programs.

8. Cause – the tenant or a member of the tenant's household violates a provision of the City's rental housing provisions including, but not limited to, Section 12-915 Crime Free/Drug Free Housing Lease Addendum, or materially violates a term of the lease related to one or more of the following:

   a. Nonpayment of rent;

   b. Malicious destruction of the affordable housing unit or the affordable housing building;

   c. Disturbance of the peace verified by the police department; or

   d. A violation of any of the covenants in Minnesota Statutes, section 504B.171.

9. Compliance Official – the City Manager and the Manager's designated agents authorized to administer and enforce this Chapter.

10. Designated Predatory Offender – any person who has been categorized as a Level III predatory offender under Minnesota Statutes, Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

11. Disorderly Activities – any activities listed in Section 12-911.

12. Dwelling – a building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two- family dwellings, and multiple family dwellings; but not including hotels and motels.

13. Dwelling Unit – a single residential accommodation that is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

14. Family – any of the following definitions shall apply:

– Persons related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit;

–Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency;

–A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

15. Garbage – putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

16. Lease – an oral or written agreement creating a tenancy in real property.

17. Material Change – a change in the terms of a lease, either through an amendment of an existing lease or the adoption of a new lease, that significantly limits or restricts the tenants use and enjoyment of an affordable housing unit or the affordable housing building.

18. Multiple Family Dwelling – a dwelling or portion thereof containing three or more dwelling units.

19. Nonresidential Building – all buildings or structures other than dwellings or dwelling units.

20. Occupant – any person (including owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit, or premise.

21. Operator – the owner or agent who has charge, care, control, or management of a building or part thereof.

22. Owner – a person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

23. Permanent Residence – a place where a person abides, lodges, or resides for 14 or more consecutive days.

24. Person – an individual, firm, partnership, association, corporation or joint venture or organization of any kind.

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

26. Premises – a platted lot or part thereof or unplatted parcel of land, either unoccupied or occupied by any structure thereon.

27. Public Playground – an area designated primarily for children's play including a school building playground, a child care building playground, a play area of a public park, or an area that contains permanent play equipment.

28. Refuse – all putrescible and nonputrescible waste solids including garbage and rubbish.

29. Reinspection – a follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner, or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.

30. Relocation Assistance – a payment to the tenant of an affordable housing unit in the amount equal to three months of the current monthly lease rent.

31. Repair – to restore to a sound and acceptable state of operation, serviceability or appearance.

32. Rental Dwelling – the term "rental dwelling" means any occupied dwelling or dwelling unit that is not occupied by the owner of record regardless of compensation. The term includes any dwelling or dwelling unit occupied by a relative of the owner.

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

34. Safety – the condition of being reasonably free from danger and hazards that may cause accidents or disease.

35. School – any public or nonpublic elementary school, middle school, or secondary school as those terms are defined in Minnesota Statutes, Section 120A.05.

36. Single Family Attached – includes a townhome, rowhouse, duplex, or similar dwelling unit.

37. Structure – that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

38. Supplied – paid for, furnished by, provided by or under the control of the owner, operator, or agent of a building.

39. Temporary Residence – a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

40. Tenant – any person occupying any dwelling or having possession of a space within a dwelling who has the legal right to occupy the dwelling unit, where a legal owner does not reside.

41. Tenant Protection Period – the period that commences on the date when a written notice of the transfer of ownership is sent to each affordable housing unit tenant pursuant to Section 12-912D(2) and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant protection period be less than 90 days.

42. Transfer of Ownership – any transfer of ownership of an affordable housing building by an owner to another person, agent, firm, or corporation that becomes the new owner.

43. Meaning of Certain Words – whenever the words "dwelling", "dwelling unit", "premises", "building", or "structure" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

Section 12-301. PROPERTY MAINTENANCE CODE. International Property Maintenance Code, 2018 edition, as published by the International Code Council is hereby adopted as the Property Maintenance Code of the City of Brooklyn Center in the State of Minnesota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the

office of the City of Brooklyn Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions, and changes, if any, prescribed in Section 12-302 of this Chapter. For the purposes of administering and enforcing the provisions of the Property Maintenance Code of the City of Brooklyn Center, the definitions contained in the International Property Maintenance Code, 2018 edition shall be controlling over the definitions contained in this Chapter, except to the extent a definition within the International Property Maintenance Code is expressly not adopted.

Section 12-302. INTERNATIONAL PROPERTY MAINTENANCE CODE. The following sections are hereby amended as follows:

Section 101.1 – Insert City of Brooklyn Center

Section 102.3 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 102.7 – Not adopted

Section 103.5 – Not adopted

Section 107.6 – Not adopted

Section 109.6 – Not adopted

Section 111.1 – Delete 20 days and change to 10 days

Section 111.2 to 111.2.5 – Not adopted

Section 111.3 – Delete 20 days and change to 30 days

Section 112.4 – Insert $1,000.00

Section 201.3 – Delete 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 and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 202 – The definitions for the following terms are not adopted:

Garbage

Inoperable motor vehicle

Rubbish

Section 302.4 – Not adopted

Section 302.5 – Add "and licensed contractor"

Section 302.8 – Not adopted

Section 304.1.1 – Delete International Building Code or the International Existing Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

302.15 – Remove the word "exterior"

Section 304.14 – Insert May 1 to October 31

Section 305.1.1 – Delete International Building Code or the International Existing Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 306.1.1 – Delete International Building Code or the International Existing Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 309.1 – Add "and licensed contractor"

Section 309.2 – Add "or during Occupancy"

Section 309.3 – Not adopted

Section 309.4 – Not adopted

Section 309.5 – Delete the exception clause

Section 401.3 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 402.2 – Add "or equivalent"

Section 403.3, Exceptions 2 – Add "and the similar appliances"

Section 403.5 – Add "and meet Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota"

Section 404.2 – Delete 3 feet (914 mm) and insert 30 inches (762 mm)

Section 505.1 – Delete International Plumbing Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 506.1 – Delete "either" and delete "or to an approved private sewage disposal system"

Section 602.2 – Delete International Plumbing Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 602.3 – Insert September 1 to May 31

Section 602.4 – Not adopted

Section 604.3.1.1 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 604.3.2.1 – Delete International Building Code and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 606.1 – Delete ASME A17.1 and replace with Minnesota Residential Code, MN Building Code, MN Energy Code, MN Mechanical and Fuel Gas Code, MN Plumbing Code, MN Fire Code, and any other codes adopted by the State of Minnesota.

Section 702.1 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 7.2.2 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 703.2 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 703.7 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.1 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.1.2 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.1.3 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.3 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.3.1 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.4.2 – Not adopted

Section 704.4.3 – Delete International Fire Code and replace with Minnesota Fire Code.

Section 704.5.1 – Exception Clause delete Section 912.45 and replace with Section 912; Delete International Fire Code and replace with Minnesota Fire Code.

704.6.1.4 – Not adopted

Section 704.6.4, Subsection 1 – Delete International Fire Code and replace with Minnesota Fire Code

Section 704.6.4, Subsection 2 – Delete International Fire Code and replace with Minnesota Fire Code

Section 705.1 – Delete Section 1103.9 and replace with Minnesota Statues, sections 299F.50 and 299F.51; Delete International Fire Code and replace with Minnesota Fire Code

Section 12-303. REMOVAL OF SNOW AND ICE. Every occupant and owner of a dwelling containing a single dwelling unit, and the owner of a multiple family dwelling or a nonresidential building shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall. Individual snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch, shall be removed from steps and walkways within eight hours after cessation of the snowfall.

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Section 12-308. SCREENING. All outside trash disposal facilities, recycling containers, and outside or rooftop mechanical equipment shall be screened from view by an opaque fence or wall high enough to completely screen the equipment.

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

Adopted this 14th day of October, 2019.

_____
Mike Elliott, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication: September 19, 2019

Effective Date _____

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

2018

INTERNATIONAL CODES®

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INTERNATIONAL
PROPERTY MAINTENANCE CODE®

2018

INTERNATIONAL CODES®

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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**.

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2018 International Property Maintenance Code→

First Printing: August 2017

ISBN: 978-1-60983-748-8 (soft-cover edition)

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by
INTERNATIONAL CODE COUNCIL, INC.

Date of First Publication: August 31, 2017

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INTERNATIONAL CODE COUNCIL®

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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.

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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, cdpAccess®. 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.

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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 *Performance Code*™ will be heard by the code development committee noted in brackets [ ] in the text of the ICC *Performance Code*™.	

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.

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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 adoptions@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]**

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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.

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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 dumbwaiters.

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.

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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.

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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, *operator*s 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 provi- sion 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.

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[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are 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. ~~Chapter 8~~ and considered part of the requirements of this

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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.

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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.

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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.

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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*

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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 ~~20~~10 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.~~

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[A] 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within ~~20~~30 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.

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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*.

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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,

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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.

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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 [JURISDICTION 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[XT1] 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.~~

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~~302.9~~302.8 **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

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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 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.

304.12 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 ~~[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 pro- cessed, 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 work- ing 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 d~~Doors, door assemblies, operator sys- tems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleep- ing 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

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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 unit*s 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*.

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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 win- dows and doors, shall be maintained in good, clean and sani- tary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plas- ter, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, land- ing, 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 Exist- ing Building Code*~~ as required for existing buildings:

1. Soils that have been subjected to any of the follow- ing conditions:
    1.1. Collapse of footing or foundation system.
    1.2. Damage to footing, foundation, concrete or other structural element due to soil expan- sion.
    1.3. Adverse effects to the design strength of footing, foundation, concrete or other struc- tural element due to a chemical reaction from the soil.
    1.4. Inadequate soil as determined by a geotech- nical 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 fol- lowing conditions:
    2.1. *Deterioration.*
    2.2. *Ultimate deformation.*
    2.3. Fractures.

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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 prop- erty* 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

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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.~~

~~309.5~~309.3 **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.~~

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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.

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 m^2), 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 m^2) of floor area or equivalent illu- mination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways

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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 m^2). 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.

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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 m^2) and every bedroom shall contain not less than 70 square feet (6.5 m^2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m^2) 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 m^2.

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 m^2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m^2). 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)

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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.

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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 facil- ities 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 dis- tance 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.

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[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.

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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~~*Interna- tional 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 tem- perature 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

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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 heat- ing, 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 fix- tures 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-

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nace room shall contain not less than one electric luminaire.

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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.

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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 compo- nents 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.

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[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. ~~*International 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 provi- sions of this code, the Minnesota Fire Code. ~~*International Fire Code*~~ or the ~~*Inter- national 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.

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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 912.4~~5~~ 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.

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[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 m) 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 overcurrent 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.

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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.

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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

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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

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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 $^{1}/_{2}$-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 $^{3}/_{8}$-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

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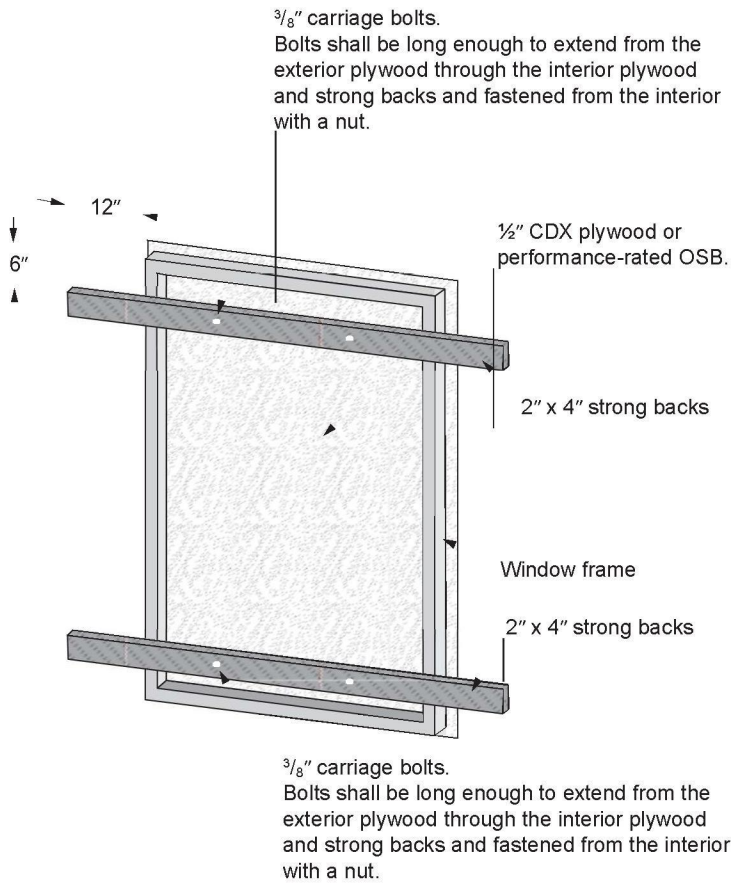
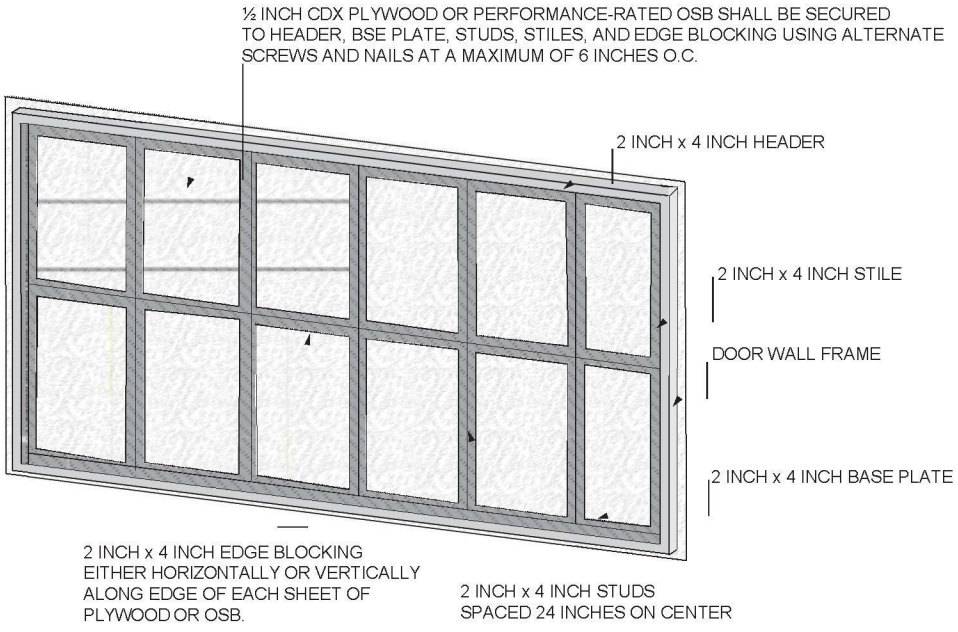


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW



For SI: 1 inch = 25.4 mm.

FIGURE A103.1(2)
BOARDING OF DOOR WALL

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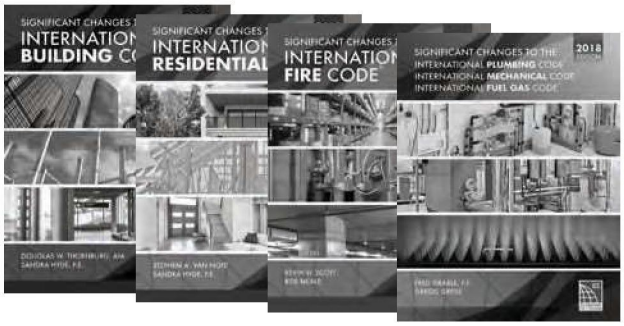

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Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING SUMMARY PUBLICATION FOR ORDINANCE 2019-10

WHEREAS, the City Council of the City of Brooklyn Center has adopted the above referenced ordinance concerning a Charter Amendment; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent of Ordinance 2019-10.

NOW, THEREFORE, BE IT RESOLVED that: the following summary of Ordinance 2019-10 shall be published in the official newspaper in lieu of the entire ordinance.

SUMMARY PUBLICATION
Ordinance 2019-10

An Ordinance Amending Brooklyn Center City Code, Chapter 12, Sections 201-805 on October 14, 2019.

Sections 201-805 are deleted in their entirely and replaced with amended:

201 - Definitions

301 - Property Maintenance Code – Adopting the IPMC Code 2018 edition as the property maintenance code of the City of Brooklyn Center.

302 - International Property Maintenance Code – amending/deleting several Sections within the Code.

303 – Removal of Snow and Ice – Snowfalls of three inches or more need to be removed from parking lots and driveways within 24 hours after cessation of snowfall. Snowfall of one inch or more or successive snowfalls accumulating to a depth of one inch need to be removed from steps and walkways within 8 hours after cessation of the snowfall.

304 – Maintenance of Driving and Parking Areas – All driving and parking areas need to be maintained in good condition consistent with Chapter 35 of the City Code.

305 – Fence Maintenance – Fence will consist of metal, wood, masonry, or other decay resistance material. Need to be maintained in good condition in appearance and structure.

306 – Facilities to Function – Every supplies facility, piece of equipment or utility, every chimney and flue shall be installed/maintained in a safe, sound, and working condition.

307 – Yard Cover – All yards will be covered with vegetation, garden, hedges,

shrubbery and will be maintained with community standards,

308 – Screening – Required for all trash disposal facilities, recycling containers and outside or rooftop mechanical equipment.

A full version of the ordinance amendment will available on the City's website and paper copies are available at City Hall.

October 14, 2019
Date

Mike, Elliott, Mayor

ATTEST:_____
Barb 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: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Nate Reinhardt, Finance Director

SUBJECT: Resolution Authorizing the Issuance, Sale, and Delivery of a Multifamily Housing Revenue Note Under Minnesota Statutes, Chapter 462C; Authorizing the Loan of the Proceeds of the Revenue Note to Brooklyn Center AH II, LLLP (REE Xerxes Avenue Senior Housing Project); And Approving the Form of and Authorizing the Execution and Delivery of the Note and Related Documents.

Requested Council Action:

- Motion to:

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- Motion to Approve Resolution Authorizing the Issuance, Sale, and Delivery of a Multifamily Housing Revenue Note Under Minnesota Statutes, Chapter 462C; Authorizing the Loan of the Proceeds of the Revenue Note to Brooklyn Center AH II, LLLP (REE Xerxes Avenue Senior Housing Project); Approving the Form of and Authorizing the Execution and Delivery of the Note and Related Documents.

Background:

Real Estate Equities, Inc. (REE) has requested authorization from the City of Brooklyn Center for the issuance of conduit bonds to finance the acquisition, construction, and equipping of an approximately 143 unit senior rental housing facility and related amenities located at 5801 Xerxes Avenue North.

On February 5, 2019 REE submitted an application for conduit revenue bond project financing along with the applicable fee. City staff and bond attorney have reviewed the application and concur that meets the criteria set forth in the City's conduit debt administrative guidelines.

Administrative guidelines include:

- The project is to be compatible with the overall development plans and objectives of the City and of the neighborhood in which the project is located.
- The project is in areas of the City that the City wishes to develop, redevelop, or which in any way complements any development plans or policy of the City. It is also the City's intent to assist in business expansions or relocations within the City where it can be shown that such would have a substantial, favorable impact on employment or tax base, or both.

On July 8, 2019, the City Council adopted a preliminary resolution that granted preliminary approval to the issuance of multifamily housing revenue obligations and authorized the submission of an application to the Minnesota Department of Management and Budget (MMB) for an allocation of bonding authority under

Minnesota Statutes, Chapter 474A.

The resolution authorizes a maximum aggregate principal amount of the Bonds to be issued to finance the project is $38,000,000. The City has received a certificate of allocation and a public hearing notice has been published.

The City received Certificate of Allocation No. 355, dated July 8, 2019, from the MMB allocating to the City bonding authority in the amount of $3,504,102; Certificate of Allocation No. 360, dated August 5, 2019, from the MMB allocating to the City bonding authority in the amount of $3,123,929; Certificate of Allocation No. 371, dated September 3, 2019, from MMB allocating to the City bonding authority in the amount of $2,473,062.

Budget Issues:

The total administrative fee that the City will receive for the issuance will be approximately $95,000. The Bonds will not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of Brooklyn Center. The issuance of the Bonds will not affect the City's credit rating.

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Resolution Authorizing Conduit Debt - REE Xerxes Avenue Senior Housing Project	10/7/2019	Resolution Letter

CITY OF BROOKLYN CENTER
COUNTY OF HENNEPIN
STATE OF MINNESOTA

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF A MULTIFAMILY HOUSING REVENUE NOTE UNDER MINNESOTA STATUTES, CHAPTER 462C; AUTHORIZING THE LOAN OF THE PROCEEDS OF THE REVENUE NOTE TO BROOKLYN CENTER AH II, LLLP (REE XERXES AVENUE SENIOR HOUSING PROJECT); AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTE AND RELATED DOCUMENTS

WHEREAS, the City of Brooklyn Center, Minnesota (the "City") is a home rule charter city duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota; and

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by issuing revenue bonds or other obligations to finance or refinance multifamily housing developments located within the City, and as a condition to the issuance of such revenue obligations, adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act; and

WHEREAS, in the issuance of the City's revenue bonds and in the making of a loan to finance a multifamily housing development the City may exercise, within the corporate limits of the City, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended; and

WHEREAS, the City has received a proposal that it issue its Multifamily Housing Revenue Note (REE Xerxes Avenue Senior Housing Project), Series 2019, in one or more series, in an aggregate amount not to exceed $38,000,000 (the "Note") to provide funds to be loaned to Brooklyn Center AH II, LLLP, a Minnesota limited liability limited partnership, or an affiliated entity (the "Borrower") to (i) finance the acquisition, construction, and equipping of an approximately 143 unit senior rental housing facility and related amenities to be located on the northern portion of the property at 5801 Xerxes Avenue North in the City (the "Project"); (ii) fund of one or more reserve funds to secure the timely payment of the revenue obligations, if necessary; (iii) pay interest on the revenue obligations during the construction of the Project, if necessary; and (iv) pay the costs of issuing the revenue obligations, if necessary; and

WHEREAS, on July 8, 2019, the City Council adopted a preliminary resolution (the "Preliminary Resolution") under the terms of which the City: (i) granted preliminary approval to the issuance of multifamily housing revenue obligations under the terms of the Act to finance the Project; (ii) authorized the submission of an application to the Minnesota Department of Management and Budget ("MMB") for an allocation of bonding authority under Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"), in a principal amount not to exceed $38,000,000; and (iii) authorized the preparation of a housing program in accordance with the requirements of the Act; and

WHEREAS, the Preliminary Resolution constitutes a reimbursement resolution and an official intent of the City to reimburse expenditures with respect to the Project from the proceeds of tax-exempt revenue obligations in accordance with the provisions of Treasury Regulations, Section 1.150-2; and

WHEREAS, the City received Certificate of Allocation No. 355, dated July 8, 2019, from MMB allocating volume cap bonding authority to the City in the amount of $3,504,102; Certificate of Allocation No. 360, dated August 5, 2019, from MMB allocating volume cap bonding authority to the City in the amount of $3,123,929; Certificate of Allocation No. 371, dated September 3, 2019, from MMB allocating volume cap bonding authority to the City in the amount of $2,473,062; and

WHEREAS, in accordance with the Act, the City has prepared a housing program (the "Housing Program") to authorize the issuance by the City of revenue bonds, in one or more series, at one time or from time to time, in the maximum principal amount of $38,000,000 to finance the acquisition, construction, and equipping of the Project; and

WHEREAS, a notice of public hearing (the "Public Notice") was published in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to: (i) the required public hearing under the Code; (ii) the required public hearing under Section 462C.04, subdivision 2, of the Act; (iii) the Housing Program; and (iv) approval of the issuance of the Note; and

WHEREAS, the Public Notice was published at least 15 days before the regularly scheduled meeting of the City Council of the City (the "City Council"), and on this same date, the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing; and

WHEREAS, sufficient details of the revenue note and other aspects of the financing have been agreed to that this final bond resolution should be adopted on this date accepting a proposal for issuance of the revenue note.

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

SECTION 1. LEGAL AUTHORIZATION AND FINDINGS.

1.1 Findings. The City hereby finds, determines and declares as follows:

(a) The issuance and sale of the Note by the City, pursuant to the Act, is in the best interest of the City, and the City hereby determines to issue the Note and to sell the Note to Bridgewater Bank, a Minnesota banking corporation, or another bank selected by the Borrower (the "Purchaser"). The City will loan the proceeds of the Note (the "Loan") to the Borrower in order to finance the Project.

(b) Pursuant to a Loan Agreement (the "Loan Agreement") to be entered into between the City and Borrower, the City will loan to the Borrower the proceeds of the Note as set forth therein and the Borrower will agree to repay the Loan in specified amounts and at specified times sufficient to pay in full when due the principal of, premium, if any, and interest on the Note. In addition, the Loan Agreement contains provisions relating to the construction, maintenance and operation of the Project, indemnification, insurance, and other agreements and covenants which are required or permitted by the Act and which the City and Borrower deem necessary or desirable for the financing of the Project.

(c) Pursuant to a Pledge Agreement between the City and the Purchaser, (the "Pledge Agreement"), the City will pledge and grant a security interest in all of its rights, title, and interest in the

Loan Agreement to the Purchaser (except for certain rights of indemnification and to reimbursement for certain costs and expenses).

(d) The proceeds of the Note will be disbursed pursuant to a Disbursing Agreement (the "Disbursing Agreement") by and between the Borrower and the Purchaser.

(e) Certain rental and occupancy requirements of federal and state law are set forth in a Regulatory Agreement (the "Regulatory Agreement") by and among the City, Borrower and the Purchaser.

(f) The Note will be a special, limited obligation of the City. No holder of the Note shall ever have the right to compel any exercise of the taxing power of the City to pay the Note or the interest thereon, nor to enforce payment thereof against any property of the City. The Note and the interest thereon: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement and additional sources of revenue provided by or on behalf of the Borrower; (ii) shall not constitute a debt of the City within the meaning of any constitutional, charter or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement, which will be assigned to the Purchaser under the Pledge Agreement; and (v) shall not constitute a general or moral obligation of the City.

(g) It is desirable, feasible and consistent with the objects and purposes of the Act to issue the Note for the purpose of financing the costs of the Project.

(h) The Project constitutes a "qualified residential rental project" within the meaning of Section 142(d) of the Code, and a "multifamily housing development" authorized by the Act, and furthers the purposes of the Act.

(i) The purpose of the Project is, and the effect thereof will be, to promote the public welfare by the acquisition, construction and equipping of a facility for use as a multifamily housing development designed primarily for occupancy by persons of low and moderate income.

(j) The Act authorizes (i) the acquisition, construction and equipping of the Project, (ii) the issuance and sale of the Note, (iii) the execution and delivery by the City of the Loan Agreement, Regulatory Agreement, and Pledge Agreement (the "City Agreements"), (iv) the performance of all covenants and agreements of the City contained in the City Agreements and any other documents reasonably necessary to effectuate the intent of this resolution, and (v) the performance of all other acts and things required under the constitution and laws of the State of Minnesota to make the City Agreements and the Note valid and binding special, limited obligations of the City in accordance with its terms.

(k) It is desirable that the Borrower be authorized, subject to the terms and conditions set forth in the Loan Agreement, which terms and conditions the City determines, based on representations of the Borrower, to be necessary, desirable and proper, to complete the acquisition, construction and installation of the Project by such means as shall be available to the Borrower and in the manner determined by the Borrower, and with or without advertisement for bids as required for the acquisition and installation of municipal facilities.

(l) The payments under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Note when due, and the Loan Agreement also provides that the Borrower is required to pay all expenses of the operation and

maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

(m) There is no litigation pending or, to the actual knowledge of the City, threatened against the City questioning the City's execution or delivery of the Note or the City Agreements or questioning the due organization of the City, or the powers or authority of the City to issue the Note and undertake the transactions contemplated hereby.

(n) The execution, delivery and performance of the City's obligations under the Note and the City Agreements do not and will not violate any order against the City of any court or other agency of government, or any indenture, agreement or other instrument to which the City is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

(o) The City hereby finds, determines and declares, based on representations of the Borrower, that it is in the public interest of the residents of the City that the Project be undertaken in order to further the public purpose by providing multifamily housing developments for low or moderate income residents of the City and otherwise further the purposes and policies of the Act.

1.2 Authorization and Ratification of Project. The City has heretofore and does hereby authorize the Borrower, in accordance with the provisions of the Act and subject to the terms and conditions imposed by the Purchaser, to provide for the acquisition, construction and equipping of the Project by such means as shall be available to the Borrower and in the manner determined by the Borrower, and without advertisement for bids as may be required for the construction and acquisition of other municipal facilities; and the City hereby ratifies, affirms, and approves all actions heretofore taken by the Borrower consistent with and in anticipation of such authority.

SECTION 2. THE NOTE.

2.1 Authorized Maximum Amount and Form of Note and Interest Rate. The Note is hereby approved and shall be issued pursuant to this Resolution in substantially the form on file with the City with such appropriate variations, omissions and insertions as are necessary and appropriate and are permitted or required by this Resolution, and in accordance with the further provisions thereof; and the principal amount of the Note that may be outstanding hereunder is expressly limited to $38,000,000, provided that the aggregate principal amount of the Note shall not exceed $9,101,093 unless the City receives an additional allocation of volume cap authority for the Project from MMB, unless a duplicate Note is issued pursuant to Section 2.6. The actual amount of the Note shall be determined by the agreement of the Purchaser and the Borrower and any of the officers specified in Section 2.3 prior to the issuance of the Note. The Note will bear interest at the rates, mature in the years and amounts and be subject to redemption on the dates determined by the Borrower and the Purchaser and set forth in the Note executed by the Authorized Officers. The sale of the Note to the Purchaser at a purchase price equal to its stated amount is hereby accepted.

2.2 The Note. The Note shall be dated as of the date of delivery to the Purchaser, shall be payable at the time and in the manner and shall be subject to such other terms and conditions as are set forth therein.

2.3 Execution of Note. The Note shall be executed on behalf of the City by the Mayor and the City Manager (the "Authorized Officers"). In case any Authorized Officer whose signature shall

appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such signatory had remained in office until delivery. In the event of the absence or disability of the Authorized Officer, such officers of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City execute and deliver the Note.

2.4 Disposition of Note Proceeds. Upon delivery of the Note to the Purchaser, the Purchaser shall, on behalf of the City, disburse the purchase price thereof for payment of Project Costs in accordance with the terms of a Disbursing Agreement or the Purchaser shall advance the proceeds of the Note to the Borrower, on behalf of the City, pursuant to the terms of a Disbursing Agreement.

2.5 Registration of Transfer. The City will cause to be kept at the office of the City Finance Director of the City a Note Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of transfers of ownership of the Note. The Note shall be initially registered in the name of the Purchaser and shall be transferable upon the Note Register for such Note by the holder thereof in person or by its agent duly authorized in writing, upon surrender of such Note together with a written instrument of transfer satisfactory to the City Finance Director, duly executed by the then holder thereof or its duly authorized agent. The City may require, as a precondition to any transfer, that the transferee provide evidence satisfactory to the City that the transferee is a financial institution or other accredited investor under the securities laws. The following form of assignment shall be sufficient for said purpose.

> For value received _____ hereby sells, assigns and transfers unto _____ the attached Note of the City of Brooklyn Center, Minnesota, and does hereby irrevocably constitute and appoint _____ attorney to transfer said Note on the books of said City, with full power of substitution in the premises. The undersigned certifies that the transfer is made in accordance with the provisions of Sections 2.5 and 2.8 of the Resolution authorizing the issuance of the Note.
>
> Dated:_____
>
> _____
> Registered Owner

Upon such transfer the City Finance Director shall note the date of registration and the name and address of the successor holder in the Note Register and in the registration blank appearing on the Note.

2.6 Mutilated, Lost or Destroyed Note. In case the Note shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and delivered a new Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated Note, or in lieu of and in substitution for such Note destroyed or lost, upon the payment by the registered holder thereof of the reasonable expenses and charges of the City in connection therewith, and in the case of a Note destroyed or lost, the filing with the City of evidence satisfactory to the City with indemnity satisfactory to it. If the mutilated, destroyed or lost Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Note prior to payment.

2.7 Ownership of Note. The City may deem and treat the person in whose name the Note is last registered in the Note Register and by notation on the Note, whether or not such Note shall be overdue, as the absolute owner of such Note for the purpose of receiving payment of or on account of the

Principal Balance, redemption price or interest and for all other purposes whatsoever, and the City shall not be affected by any notice to the contrary.

2.8 Limitation on Note Transfers. The Note has been issued without registration under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the Note may not be assigned or transferred in whole or part, nor may a participation interest in the Note be given pursuant to any participation agreement, except to a financial institution or other accredited investor and as an exempt security or as an exempt transaction and in principal amounts of at least $100,000.

SECTION 3. MISCELLANEOUS.

3.1 Housing Program. The Housing Program, in the form substantially on file with the City, is hereby approved. The City Manager is hereby authorized to do all other things and take all other actions as may be necessary or appropriate to carry out the Housing Program in accordance with the Act and any other applicable laws and regulations.

3.2 Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions contained herein invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs contained in this Resolution shall not affect the remaining portions of this Resolution or any part thereof.

3.3 Authentication of Transcript. The officers of the City are directed to furnish to Kennedy & Graven, Chartered, bond counsel to the City ("Bond Counsel") certified copies of this Resolution and all documents referred to herein, and affidavits or certificates as to all other matters which are reasonably necessary to evidence the validity of the Note. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute recitals of the City as to the correctness of all statements contained therein.

3.4 Authorization to Execute Agreements. The forms of the proposed City Agreements are hereby approved in substantially the forms on file with the City, together with such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by Bond Counsel prior to the execution of the documents, and the Authorized officers are authorized to execute the Note and the City Agreements in the name of and on behalf of the City, together with such other documents as Bond Counsel considers appropriate in connection with the issuance of the Note (collectively, the "Financing Documents"). In the event of the absence or disability of any of the Authorized Officers, such officers of the City as, in the opinion of the City Attorney for the City, may act in their behalf shall without further act or authorization of the City Council of the City do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof.

3.5 Program. The City has established a governmental program of acquiring purpose investments for qualified residential rental projects. The governmental program is one in which the following requirements of §1.148-1(b) of the federal regulations relating to tax-exempt obligations shall be met:

(a) the program involves the origination or acquisition of purpose investments;

(b) at least 95% of the cost of the purpose investments acquired under the program represents one or more loans to a substantial number of persons representing the general public, states or political subdivisions, 501(c)(3) organizations, persons who provide housing and related facilities, or any combination of the foregoing;

(c) at least 95% of the receipts from the purpose investments are used to pay principal, interest, or redemption prices on issues that financed the program, to pay or reimburse administrative costs of those issues or of the program, to pay or reimburse anticipated future losses directly related to the program, to finance additional purpose investments for the same general purposes of the program, or to redeem and retire governmental obligations at the next earliest possible date of redemption;

(d) the program documents prohibit any obligor on a purpose investment financed by the program or any related party to that obligor from purchasing bonds of an issue that finances the program in an amount related to the amount of the purpose investment acquired from that obligor; and

(e) the City shall not waive the right to treat the investment as a program investment.

3.6 Costs; Indemnification by Borrower. The Borrower has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Project whether or not the Project is carried to completion will be paid by the Borrower. In addition, on or prior to the date of issuance of the Note, the Borrower will pay the City an administrative fee as provided in the Loan Agreement in connection with the issuance of the Note which will also constitutes payment of the City's administrative fee with respect to a tax exempt financing issued to refund the Note. It is understood and agreed that the Borrower shall indemnify the City against all liabilities, losses, damages, costs and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Note, as further provided for and agreed to by and between the Borrower and the City in the Loan Agreement.

3.7 Headings; Terms. Paragraph headings in this resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used, but not defined, herein shall have the meanings given them in, or pursuant to, the Loan Agreement.

SECTION 4. EFFECTIVE DATE.

This resolution shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of Brooklyn Center, Minnesota, on October 14, 2019.

CITY OF BROOKLYN CENTER, MINNESOTA

Mayor

Attest:

_____

City Clerk

COUNCIL ITEM MEMORANDUM

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding Uses Allowed in the General Industry (I-2) District - Second Reading / Public Hearing

Requested Council Action:

- *Motion to:*
  - *Open the public hearing;*
  - *Take public input; and*
  - *Close the public hearing.*

- *Motion to approve a second reading, and adopt an ordinance amending Chapter 35 of the City Code of Ordinances regarding uses allowed in the General Industry (I-2) District.*

- *Motion to approve a resolution approving a Summary Publication for Ordinance 2019-12.*

Background:

The City is requesting the review and consideration of changes to the uses allowed within the designated I-2 (General Industry) District that would allow for religious uses, such as chapels, churches, temples, mosques, synagogues and the like, as a special use.

City staff initially brought the discussion on places of worship in the I-2 (General Industry) District forward at a City Council Work Session held on August 12, 2019 following discussions with a local religious group (Masjid Al-Ansar) who was seeking to relocate their religious institution and community center onto an I-2 District zoned property located at the southern terminus of France Avenue North (4900/4902 France Avenue North). It was at that time City staff was directed to draft amendment language with criteria for the allowance of religious uses as a special use and bring the proposed amendment forward to the Planning Commission before review by the City Council.

City staff had previously consulted with the City Attorney on potential paths forward for the group to occupy the I-2 District zoned property. Based on a number of factors, the City Attorney and staff agreed that the most legally defensible way to process the request would be through a Zoning Code text amendment to the I-2 (General Industry) District. It should be noted that although the request to amend the Zoning Code stems from the interest of one particular religious institution in one particular property, the proposed amendments outlined in the staff report and associated ordinance would have an effect across the entire I-2 (General Industry) District of the City. The I-2 District comprises approximately 2 percent of total land within the City of Brooklyn Center.

Federal law, and specifically, the Religious Land Use and Institutionalized Persons Act or "RLUIPA," protects religious land uses in that it requires cities to regulate them the same way in which it regulates other

similar uses, and to treat them equally and fairly when making land use regulations as well as land use decisions against them. Although City Council had directed the City to create language with solid "criteria," RLUIPA prohibits cities from imposing greater criteria or restrictions on religious uses than other special or like uses. Further, due to the uniqueness of the I-2 District property (4900/4902 France Avenue North) that spurred conversation on amending the uses allowed in the District, the City Attorney and staff were concerned that establishing standards or criteria for religious uses in the District would ultimately exclude the interested group from being able to utilize the 4900/4902 France Avenue North property.

Religious uses are a permitted or special use in a number of the City's zoning districts. In the case of religious institutions in the City's R-1 (One Family Residence), R-2 (Two Family Residence), and R-5 (Multiple Family Residence) Districts, this use is allowed through special use approval and so long as primary vehicle access is gained off a collector or arterial street. In the City's C-1/C-1A Districts, this use is a permitted use with no caveat on the type of primary street access. The City Attorney and City staff were unable to incorporate language regulating primary street access in the I-2 District as the 4900/4902 France Avenue North property is located on a dead end cul-de-sac.

While the City has requested traffic studies to ensure "adequate measures have been or will be taken to provide…parking so designed as to minimize traffic congestion in the public streets," as a standard for issuance of Special Use Permits under Section 35-220.2.d, "traffic studies" are not called out in the current Zoning Ordinance as a specific requirement; therefore, the necessity of one could be argued, and the specific criteria in requiring one in the I-2 District for religious uses could be called into question. The City Attorney and staff were therefore left with language that required minimum on-site parking given a places of public assembly use and adherence to any applicable codes (e.g. Fire and Building Code) to be achieved with the issuance of a Special Use Permit for a religious use. This would be a requirement for any other special use.

The Planning Commission held a public hearing on the request at their September 12, 2019 meeting, and a public hearing notice was published in the Brooklyn Center *Sun Post* on August 29, 2019. Notices were mailed to all I-2 (General Industry) District property owners. Upon opening for public comment, the Planning Commission received numerous testimonials from members of the religious group (Masjid Al-Ansar) interested in the I-2 District property located at 4900/4902 France Avenue North.

The members noted that they would like to stay in the City of Brooklyn Center, as their former mosque was located off Brooklyn Boulevard, and as their membership is mainly out of Brooklyn Center and Brooklyn Park. They stressed an importance in having a place for Muslim youth and families to go to for a place of worship, as well as a community center for activities. Imam Dukuly of Masjid Al-Ansar noted that, in the case of the 4900/4902 France Avenue North property, that they could split prayer services for their membership, of which currently numbers 120 to 150 people, or shuttle bus members in.

One long-term resident of Brooklyn Center noted that she wasn't necessarily against the ordinance amendment, but was concerned about the loss of taxes due to the tax exempt nature of religious institutions, and indicated that she thought there was once a moratorium on religious uses in industrial areas.

The Planning Commissioners had a number of questions regarding the impact of religious uses in the City's heavy industrial district. Chair Christensen noted that the 4900/4902 France Avenue North property is unique with its buildings and ideally, the City would have proceeded with the re-zoning of this particular property, as it is allowed in a number of the City's other zoning districts. However, as the City is unable to "spot zone" per Minnesota state statute, the only path forward is to amend the uses allowed in the entire I-2 District.

Chair Christensen questioned whether it was acceptable to amend the entire I-2 District for one property, as it could have large implications. He further inquired as to whether some of the larger industrial properties in the I-2 District could eventually be converted or torn down for religious uses pending approval of the proposed amendment.

City staff confirmed that, were a religious organization to apply for, receive approval, and meet the conditions of a Special Use Permit, they could redevelop an I-2 District property or properties for their use. Chair Christensen brought up Living Word Christian Center, which is located in Brooklyn Park. He inquired as to whether it could be used as a comparable, given its location in an industrial district. City staff noted that while it was located in an industrial district, that particular property is zoned "Public Institution" and is surrounded by a "Business Park District," which would be more equivalent to the City of Brooklyn Center's lighter industrial I-1 (Industrial Park) District.

Commissioner Koenig noted that he did not see many religious institutions being interested in the I-2 District for their organizations. City staff noted that, although it has been awhile, they had held conversations in the past with religious institutions seeking to relocate into the industrial districts of the City.

Additional questions surrounded whether there was public parking allowed on the streets to allow religious uses to meet their minimum parking requirements, and the overall vacancy rates within the I-2 District.

Following closure of the public hearing, the Planning Commission voted (4-1) in favor of the proposed amendments to Section 35-331 (*General Industry*) and approved PC Resolution No. 2019-013 (*Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2019-015 for Adoption of A Zoning Amendment Regarding Allowed Uses within the I-2 (General Industry) District*).

A first reading of the proposed ordinance amendment took place at the City Council meeting on September 23, 2019. The City Council unanimously approved the first reading of the proposed ordinance amendment.

In order for the requested amendment to be adopted, City staff is requesting that the City Council approve a second reading and conduct a public hearing on the request to amend Chapter 35 of the Zoning Code of Ordinances regarding uses allowed in the I-2 (General Industry) District. A public hearing notice was published in the Brooklyn Center *Sun Post* on October 3, 2019.

A copy of the Planning Commission Report, associated Planning Commission Resolution No. 2019-013, ordinance language, and a copy of the public hearing notice is included for review.

Should the proposed amendment to the ordinance be adopted and religious uses be allowed in the I-2 (General Industry) District as a special use, a Planning Commission application for consideration of a Special Use Permit and all relevant documentation would need to be submitted to the City for review and consideration by the Planning Commission and City Council for any proposals of use.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report and Exhibits - Religious Uses in the I-2 District (Ordinance Amendment)	9/17/2019	Backup Material
PC Resolution No. 2019-013 (Zoning Amendment Regarding Allowed Uses within the I-2 District)	9/17/2019	Backup Material
Ordinance-Amending Chapter 35 Regarding Uses Allowed in the General Industry (I-2) District	9/17/2019	Ordinance

Public Hearing Notice for October 14, 2019 Hearing	10/8/2019	Backup Material
Resolution	10/10/2019	Resolution Letter

Planning Commission Report
Meeting Date: September 12, 2019

- Application Filed: 08/13/2019
- Review Period (60-day) Deadline: 10/12/2019
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2019-015
Applicant: City of Brooklyn Center
Request: Amend Section 35-331 (*General Industry*) of the City Code of Ordinances to allow Religious Uses as a Special Use within the I-2 (General Industry) District

REQUESTED ACTION

The City of Brooklyn Center ("the City") is requesting review and consideration of a request to amend Section 35-331 (*General Industry*) of the City Code of Ordinances to allow Religious Uses as a Special Use within the I-2 (General Industry) District. A public hearing notice was published in the Brooklyn Center *Sun Post* on August 29, 2019 (Exhibit A). Notices were also mailed to all property owners of I-2 District-zoned properties within the City.

BACKGROUND

The City is requesting the review and consideration of changes to the uses allowed within the I-2 (General Industry) District that would provide an avenue for religious institutions, such as churches, mosques, synagogues and the like to locate into the City of Brooklyn Center's General Industry District, which is the City's most intense industrial district.

Conversations revolving around the allowance of religious uses within the I-2 District began in July when the City was approached by a group seeking to relocate a religious based place of worship and community center within the City. The group had previously leased space within a C1 (Service/Office) District office building in Brooklyn Center, where religious institutions are allowed as a permitted use. As the building was recently sold, their space became unavailable. The group would like to remain within the City of Brooklyn Center, as their community is largely based within the Brooklyn Center and Brooklyn Park areas; however, they noted upon meeting with the City that they had struggled to find space within the city limits until an I-2 District zoned property, located at the southern terminus of France Avenue North, and known as 4900/4902 France Avenue North, became available.

This group has expressed an interest in purchasing the property in order to create a community center and religious gathering place. The uses so far identified would include a worship space, gathering and event space (e.g. weddings, board meetings), classroom space, and office space. Gathering times would occur several times per week, with use primarily on Fridays and weekends, and worship times that could be divided into multiple sessions to accommodate their membership of which numbers between 120 and 150 attendees currently for a Friday service. The community center would be open throughout the week.

The property located at 4900/4902 France Avenue North has been for sale or lease for over a year, but was previously used as a kennel and veterinary clinic (permitted use). This particular I-2 District property is unique in its vacancy, in part due to the age and nature of the structures on site, which are not typical of surrounding industrial uses. The property is comprised of two structures: a newer, split level office

building, and a second circular shaped structure. The group believes that the property would meet their needs and is interested in purchasing it to convert it for their use. As part of their due diligence, the group met with City staff to inquire as to the process necessary to allow for use of the property as a place of worship and community center.

Places of worship generally fall into a category of uses considered "Assembly." These are uses where there are generally large numbers of people that may congregate or assemble at one time. Other similar uses might be theaters, auditoriums, mortuaries, dance halls, arenas, or certain places of entertainment.

Federal law protects religious land uses in that it requires cities to regulate them the same way in which it regulates other similar uses, and to treat them equally and fairly when making land use regulations as well as land use decisions regarding them.

> **Example:** a city would need to provide a fact-based reason that it might allow a movie theater in a particular zoning district, *but not* a religious use since the land uses are similar.

Based on a review of the City's Zoning Ordinance, religious uses are currently allowed in the following zoning districts (*Table 1*):

TABLE 1. Current Allowance of Religious Uses in City's Zoning Districts.

Zoning District	Permitted Use	Special Use	Notes
R1 (One Family Residence) District		X	Allowed through issuance of Special Use Permit, provided primary vehicular access shall be gained to the use by **a collector or arterial street**.
R2 (Two Family Residence) District		X	Allowed through issuance of Special Use Permit, provided primary vehicular access shall be gained to the use by **a collector or arterial street**.
R3 (Multi-Family Residence) District			
R4 (Multi-Family Residence) District			
R5 (Multi-Family Residence) District		X	Allowed through issuance of Special Use Permit, provided primary vehicular access shall be gained to the use by **a collector or arterial street**.
R6 (Multi-Family Residence) District			
R7 (Multi-Family Residence) District			
C1 (Service/Office) District	X		Permitted Use in this District with no additional restrictions relating to type of primary vehicular access.
C1A (Service/Office) District	X		All of the Permitted Uses allowed in the above C1 District are also allowed in the C1A District.
C2 (Commerce) District			The use is not addressed in the C2 District; however, other like uses, such as movie theaters, sports arenas, etc. are permitted through issuance of a Special Use Permit.
I1 (Industrial Park) District			There is at least one instance of religious uses being allowed via a Planned Unit Development (PUD) in the I1 (Industrial Park) District, which is a lighter industrial district comprised of office, hotel, mixed business, and light industrial uses.
I2 (General Industry) District			

Note: The O-1 (Public Open Space) and O-2 (Public & Private Open Space) Districts are not identified in this table due to the nature of their use.

City staff consulted with the City Attorney to identify potential paths forward for the requested reuse of the property located at 4900/4902 France Avenue North. Based on a number of factors, the City Attorney and staff agree that the most legally defensible way to process the request would be through a

Zoning Code text amendment to the I-2 (*General Industry*) District, which would make religious uses allowed through issuance of a Special Use Permit (SUP). This would allow the group to apply for a Special Use Permit through submittal of a Planning Commission application and any necessary documentation, and receive review and consideration by the Planning Commission and City Council. If approved and able to meet the conditions of the permit, the requested use would then be allowed on the property.

Although the conversations thus far have been focused on the allowance of religious uses on one particular property, the proposed text amendment **would apply to all properties within the I-2 (*General Industry*) District, thus allowing religious uses on any I-2 (General Industry) District zoned parcel**, provided it was able to meet the conditions of the Special Use Permit process.

Special uses are those in which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use, a Special Use Permit would need to be granted by City Council. In reviewing Special Use Permits, an Applicant would need to demonstrate the following:

a. The establishment, maintenance or operation of the special use will promote or enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
d. Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets.

As the decision to allow religious uses within the I-2 (General Industry) District is a legislative one, City staff initially brought the discussion on places of worship in the I-2 (General Industry) District forward at a City Council Work Session held on August 12, 2019. It was at that time City staff was directed to draft amendment language with criteria for its allowance as a special use and bring the proposed amendment forward to the Planning Commission before review by the City Council. A copy of the City Council Work Session memo and excerpt of the meeting minutes are included as Exhibit B.

PROPOSED AMENDMENTS TO I-2 (GENERAL INDUSTRY) DISTRICT

Location and Composition of I-2 District Zoned Properties in City

The City's I-2 (General Industry) District is located on the southern end of the City and located on both sides of Highway 100. It is, for the most part, built out. A map identifying the City's I-2 District properties can be found on the next page (*Map 1*). The I-2 District consists of 32 parcels comprising a total of 82.56 acres. With approximately 3,677 acres of total land in Brooklyn Center (i.e. not including right-of-way, lakes, etc.), the I-2 District comprises approximately 2.2% of the total land in the City. Not all of the I-2 District parcels appear to be developable, however.

For instance, one parcel serves as a 3.2 acre stormwater ponding area to a development located on the former Joslyn site and another 5.4 acres, located on the west side of the former Joslyn site, is an outlot comprised of floodplain and wetlands. A 1.98 acre parcel located adjacent to Ryan Lake is also likely limited in terms of development as over an acre of the land is located within the designated 100-year

floodplain with wetlands present. If you were to remove the aforementioned three parcels, you are left with approximately 72 acres of I-2 District zoned land, or 1.95% of total land in Brooklyn Center.

I-2 District Uses

Industrial properties, particularly heavy industrial properties, tend to have the greatest impacts on surrounding properties in terms of noise, dust, odors, traffic, and outdoor storage. Generally, industrial users tend to locate in areas away from non-industrial uses to minimize complaints that may arise, although the I-2 (General Industry) District zoned properties located within Brooklyn Center are in proximity to some single-family and multi-family residential properties (*Refer to Map 2*).

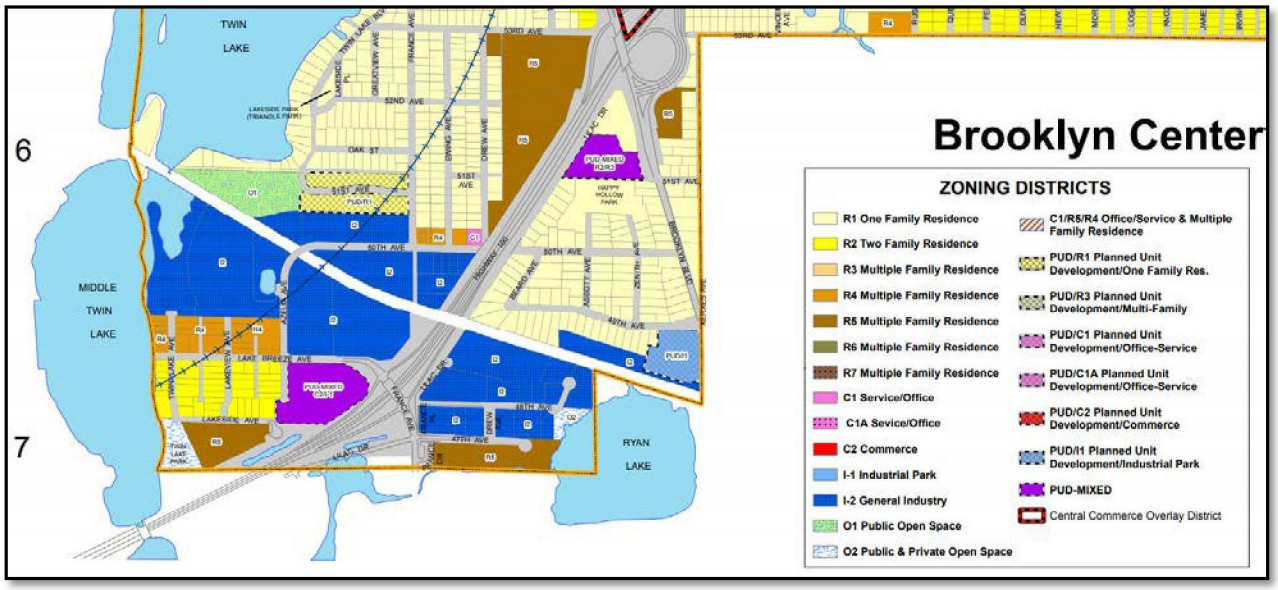
On the other hand, it is likely that religious uses would utilize their properties during hours when industrial users are not in operation, which may minimize issues. In the case of the group interested in the 4900/4902 France Avenue North property, this particular I-2 property is located on a dead end cul-de-sac with Highway 100 located to the east, train tracks to the south, a Northern States Power station to the west, and a mix of industrial and residential properties located to the north. A roofing company is located immediately to the north of this particular property.

Use-wise, the I-2 District allows for a mix of manufacturing type uses; textile mill production; lumber and wood products (except for saw mills and planing mills); printing industries; chemicals and allied products; fabricated metal products; professional, scientific, electronic, and controlling instruments; wholesale trade activities (e.g., motor vehicles and automotive equipment; dry goods and apparel; hardware, plumbing, heating equipment and supplies; machinery, equipment and supplies); and certain service activities (i.e. laudrying, dry cleaning, and dyeing; warehousing; automobile and truck repair and wash; contract construction; kennels; veterinarian and animal hospitals; truck rental and leasing).

This district also allows for truck terminals, and public transit terminals. Foundries (provided the operation is a necessary incident to a principal use in the I-2 District); retail sales of products manufactured, processed, or wholesaled on site; and accessory off-site parking, are allowed through issuance of a Special Use Permit (refer to Exhibit C).

MAP 1. City of Brooklyn Center I-2 (General Industry) District Zoned Properties.

MAP 2. City of Brooklyn Center Zoning Districts Adjacent to I-2 (General Industry) District.



Parking and Access Demands

Of further consideration in allowing for religious uses in the I-2 (General Industry) District is the overall parking demand. Assembly uses, such as religious institutions, tend to have higher parking demands than other types of uses due to the nature of their visitors. Industrial uses by contrast tend to have low parking demands relative to their square footage because these uses generally have lower employment densities. Religious uses seeking to utilize industrial property for space may find that the available on-site parking is not sufficient to meet their demand, and other features common to industrial properties, such as loading docks and berths, can further hinder parking options.

For example, religious and other "places of public assembly" uses, such as theatres, auditoriums (other than school auditoriums), mortuaries, stadiums, arenas, and dance halls, require **one parking space for every three seats, or congregants in this particular case.** Places of public assembly located in a retail shopping center complex of 50,000 square feet or more, exclusive of the place of public assembly, may have one space for every four seats.

For perspective, the I-2 District zoned property located at 4900/4902 France Avenue North currently possesses 18 on-site parking spaces, although a maximum of 25 on-site parking stalls is potentially achievable with re-striping. Assuming a "places of public assembly" type use, installation of 25 parking stalls, and the carpooling of members (3 occupants per vehicle), the on-site parking could accommodate for a maximum of 75 attendees at any one time.

In the cases of "Industry and Wholesale" type uses, **one space for every two employees based upon maximum planned employment during any work period or one space for each 800 square feet of gross floor area (whichever is greater)** is required. In the event the latter requirement is greater, adequate land area shall be provided for the required off-street parking area, but improved spaces need only be provided according to the employee ratio. In cases where there is an office component to an industrially-zoned building, minimum on-site parking requirements are based on the total gross floor area utilized for the use.

As identified in Table 1 (*Current Allowance of Religious Uses in City's Zoning Districts*) on page 2 of this report, religious uses are an outlined use that is allowed as a permitted use or through issuance of a Special Use Permit in a number of the City's zoning districts. In the cases of the City's R1 (One Family Residence), R2 (Two Family Residence), and R5 (Multiple Family Residence) Districts, religious uses are allowed through issuance of a Special Use Permit *so long as primary vehicular access to the use is gained by collector or arterial street.* While this language was contemplated in discussions over the proposed amendments to allow for religious uses through issuance of a Special Use Permit, inclusion of this language would have served as a hindrance for the group interested in the 4900/4902 France Avenue North property as the property is located on a dead end cul-de-sac.

2040 Comprehensive Plan

The "2040 Land Use & Redevelopment Goals" identified within the Comprehensive Plan state that the Future Land Use Plans should be supported through the update or creation of relevant and market-based small area plans, redevelopment plans, and the zoning ordinance.

The identified 2040 Planned Land Uses for the I-2 (General Industry) District are comprised of a mix of "Industrial/Utility" and "Business-Mixed Use" designations. The 4900/4902 France Avenue North property is identified as "Industrial/Utility," along with the other properties located along the eastern edge of France Avenue North and south of 50th Avenue North. The "Business-Mixed Use" designation is a new land use designation under the 2040 Comprehensive Plan that guides for a "mix of business, light industrial, and supporting retail/service uses."

Other Considerations

City staff met with the group interested in the 4900/4902 France Avenue North property to go over the site, explain the process, and identify Building and Fire Code requirements that they should be aware of. Although these conversations were specific to the aforementioned property, the addressed concerns and requirements could be triggered with any other religious use that might have an interest in relocating to an I-2 (General Industry) District property as "Assembly" type uses have a higher fire suppression standard than other types of uses because of the congregation of people that occurs within buildings. Should the proposed amendments be adopted, it is important that any prospective buyers/users understand the full implications of what would be required to acquire and/or convert an industrial use type building.

Conversion of a building to anything other than an office use would constitute a change of use from the perspective of the Building and Fire Code, and thus would trigger the installation or expansion of a Fire suppression and alarm system if not present. Additionally, the following requirements may be triggered:

a. Installation of ADA requirements (e.g. parking lot striping and signage, ingress/egress, bathrooms, installation of elevator/lift);
b. Sewer Accessibility Charge (Met Council) determination for change in use and associated fee; and
c. Any other Fire and Building Code requirements

Ordinance Language

The City Attorney drafted language that addresses the proposed amendments to Chapter 35 regarding the uses allowed in the General Industry (I-2) District. As proposed, the amended language would allow for religious uses within the I-2 District through issuance of a Special Use Permit. Within the ordinance, certain legislative findings are outlined that address a desire to accommodate religious uses to the

extent reasonably possible but acknowledges the issues surrounding the allowances of religious uses in industrial districts (refer to Exhibit D). The proposed amendment language to allow for religious uses as a Special Use within the I-2 (General Industry) District is as follows:

Article II. Special Uses. Section 35-331, paragraph 3 of the Brooklyn Center City Code identifying the uses allowed in the General Industry District as a special use is hereby amended as follows:

3. Special Uses

a. Foundries, provided that the foundry operation is a necessary incident to a principal use permitted in the I-2 district.

b. Retail sales of products manufactured, processed or wholesaled at the use site.

c. Accessory off-site parking not located on the same property with the principal use, subject to the provisions of Section 35-701.

d. Places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards.

If the ordinance language is ultimately adopted any interested party wishing to utilize an I-2 District property for a religious use would be required to submit a Planning Commission application and any required supporting documentation for review and consideration by the Planning Commission and City Council.

RECOMMENDATION

Based on the above-noted findings, staff recommends the following motion:

Motion to approve a Resolution recommending that the City Council approve certain amendments to Section 35-331 (General Industry) of the City Code of Ordinances that would allow for religious uses within the I-2 (General Industry) District by Special Use based on the above outlined findings of fact.

A copy of the Planning Commission resolution is attached (Exhibit E).

ATTACHMENTS

Exhibit A—Public Hearing Notice, published in the Brooklyn Center *Sun Post*, dated August 29, 2019.
Exhibit B—August 12, 2019 City Council Work Session Memo and Excerpted Minutes, Places of Worship in the I-2 District Discussion.
Exhibit C—Permitted and Special Uses within the I-2 District.
Exhibit D—An Ordinance Amending Chapter 35 Regarding Uses Allowed in the General Industry (I-2) District.
Exhibit E—Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2019-015 for Adoption of a Zoning Amendment Regarding Allowed Uses within the I-2 (General Industry) District.

Exhibit A

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, September 12, 2019, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Amend Section 35-331 (General Industry) of the City Code of Ordinances to Allow Religious Uses as a Special Use within the I-2 District

PETITIONER:

City of Brooklyn Center

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review and consideration of a request to amend Section 35-331 of the City Code of Ordinances, which would allow for religious uses within the I-2 (General Industry) District as a Special Use. Copies of the amended language, as proposed, will be available upon request, and included with the Planning Commission meeting packets, available prior to the meeting through the City of Brooklyn Center website at http://www.cityofbrooklyncenter.org.

Questions, comments, statements of support or objections should be directed to City Planner/Zoning Administrator Ginny McIntosh at (763) 569-3319 or email to gmcintosh@ci.brooklyn-center.mn.us.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

Published in the
Sun Post
August 29, 2019
969915

Exhibit B

MEMORANDUM - COUNCIL WORK SESSION

DATE: 8/12/2019

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman

FROM: Meg Beekman, Community Development Director

SUBJECT: Places of Worship in the I-2 District Discussion

Recommendation:

- Consider places of worship as a land use within the I-2 District and provide direction to staff on how to proceed.

Background:

City staff have been approached by a group seeking to relocate a religious based place of worship and community center within the City. The group has previously been leasing space within Brooklyn Center, along Brooklyn Boulevard, but the building has recently sold and is no longer available. They would like to remain within the City, as their community is largely based within the Brooklyn Center and Brooklyn Park area.

They are seeking a space to purchase, in which to create a community center and gathering place. Uses would include worship space, gathering and event space, classroom space, and office space. They gather several times per week, primarily Friday through Sunday. Worship times are on Friday and could be divided into more than one to accommodate their numbers.

After much searching to find a suitable building to purchase, they have identified 4900 France Avenue N. This property has been for sale or lease for over a year, but was previously used as a kennel and veterinary clinic. The property is zoned I-2 and is comprised of two structures; one which is a newer split-level office building, and a second which is a circular shared structure that is older. The group believes that the property would meet their needs and is interested in purchasing it to convert to their purposes. As part of their due diligence they met with City staff to inquire as to the process to allow the use of the property as a place of worship and community center.

Places of worship generally fall into a category of uses considered "Assembly". These are uses where generally large numbers of people may congregate, or assemble, at one time. Other similar uses might be theaters, auditoriums, mortuaries, dance halls, arenas, or certain places of entertainment. Federal law protects religious land uses in that it requires cities to regulate them the same way it regulates other similar uses, and to treat them equally and fairly when making land use regulations as well as land use decisions regarding them. For example, a city would need to provide a fact-based reason that it might allow movie theaters in a particular zoning district, but not religious uses since the land uses are similar.

I-2, General Industrial District
As noted, the property is zoned I-2, General Industry. I-2 is a heavy industrial district. Permitted uses include, manufacturing; wholesale trade; distribution; services such as auto and truck repair, contract construction, warehousing and storage, service stations; truck terminals; transit terminals; or other uses similar in nature as determined by the City Council. Special uses permitted in the district include foundries, retail sales of products

manufactured on site, and accessory off-site parking. Places of worship are not currently permitted or specially permitted uses in the I-2 District.

Places of worship, or religious uses, are expressly permitted within the R-1, R-2, R-5, and C-1 Districts in the City. There is also at least one instance in which they have been allowed via a PUD in the I-1 District, which is a lighter industrial district comprised of a mix of office, hotel, mixed business, and light industrial uses.

Process
City staff consulted with the City Attorney to identify potential paths forward for the requested reuse of the property at 4900 France Avenue. Based on a number of factors, the City Attorney and staff agree that the most legally defensible way to process the request would be through a zoning code text amendment to the I-2 District, which would make religious uses allowed through special use permit. This would allow the group to apply for a special use permit, and if able to meet the conditions of the permit, reuse the property for their desired purpose. The text amendment would apply to all properties within the I-2 District, thus allowing religious uses within any I-2 zoned parcel provided it was able to meet the conditions of the special use permit process.

The decision to allow religious uses within the I-2 District is a legislative one, and ultimately a policy decision on the part of the City Council. Industrial properties, particularly heavy industrial properties tend to have the greatest impacts on surrounding properties in terms of noise, dust, odors, traffic, and outdoor storage. Generally, industrial users tend to locate in areas away from non industrial uses to minimize complaints that may arise. On the other hand, it is likely that religious uses would utilize their properties during hours when industrial users are not in operation, which may minimize issues.

A further consideration is parking demand. Assembly uses tend to have higher parking demand than other types of uses due to the nature of their visitors. Industrial uses by contrast tend to have low parking demand relative to their square footage because these uses generally have lower employment densities. Religious uses seeking to utilize industrial property for space may find that the available parking is not sufficient to meet their demand.

From a regional market perspective, industrial property is currently well stabilized, particularly compared with office and retail products. Industrial properties within the 694/494 loop are currently highly valued and vacancy rates are low. This trend holds true within Brooklyn Center's industrial market.

The property at 4900 France Avenue N is unique in its vacancy, in part due to the age and nature of the structures on the site, which are not typical of surrounding industrial uses. Rather than a single large building, the property is comprised of two smaller structures, one of which is a two-story office building, and neither is well suited for more industrial-type uses.

Special Use Permit Process
If the City Council chooses to allow religious uses in the I-2 District, staff would recommend allowing them via special use permit. This would allow some of the concerns identified above to be considered and mitigated on a case by case basis with each application. For example, if large numbers of people gathering at the property is a concern for assembly-type uses, a special use permit process could require that a traffic and parking study be conducted to ensure that access, circulation, and parking were adequate on site. If they weren't, a condition of approval could require a transportation demand management plan to deal with times when the parking or access routes were exceeded.

On this particular site, train traffic can be a concern at certain times of the day, closing road access. A traffic and parking study could look at the impact of road closures and identify if this would be a concern.

4900 France Avenue N

The City Planner and Building Official met with the interested party to go over the site, explain the process, and identify any Building and Fire Code items that they should be aware of. The conversion of the site to an assembly use would constitute a change of use from the perspective of the Building and Fire Code, thus trigger any required upgrades to the fire suppression system, installation of ADA requirements, as well as other Fire and Building Code requirements. Assembly uses have a higher fire suppression standard than other types of uses because of the congregating of people that occurs within the buildings. It is important that prospective buyers understand the full implications of what would be required of acquiring and converting a building before they purchase it.

As part of that meeting parking was discussed. The property currently has 18 parking stalls. According to the City Planner, after visiting the site and measuring out the parking area, an additional 8 could be striped in. The Zoning Code requires 1 parking stall for every three congregants for religious uses, meaning the parking would allow for only 75 people at a time. This is not sufficient based on staff's understanding of the groups actual needs, and so it is not clear how this will be handled.

In addition, the Building Official identified several upgrades which would be necessary in order to convert the building. These included ADA upgrades to bathrooms, ingress/egress, parking, and the interior of the building which may require an elevator or lift. The building will also need to be sprinklered and a SAC fee determination done. According to the Met Council there is only one SAC unit on the property, so a change in use would trigger a recalculation, and likely more SAC units to be paid. The Building Official is seeking additional information as to what that might be from the Met Council.

The group agreed to look into the required building improvements.

Next Steps
If the City Council indicates they are open to the zoning code text amendment, staff will work with the City Attorney to draft revised language which would then go to the Planning Commission for a public hearing, consideration, and a recommendation. The City Council would then take the Planning Commission's recommendation into consideration as part of a first and second reading of the ordinance amendment.

Once the language was drafted and the process underway, the prospective buyers would then need to apply for a Special Use Permit under the language and conditions of the new ordinance.

Policy Issues:

- Are Religious Uses a compatible use within the I-2, General Industrial District?
- Should Religious Uses be permitted within the I-2, General Industrial District?
    - If so, what potential impacts might these, and other similar assembly uses, have that could be mitigated with conditions or requirements within the ordinance language?

Strategic Priorities and Values:

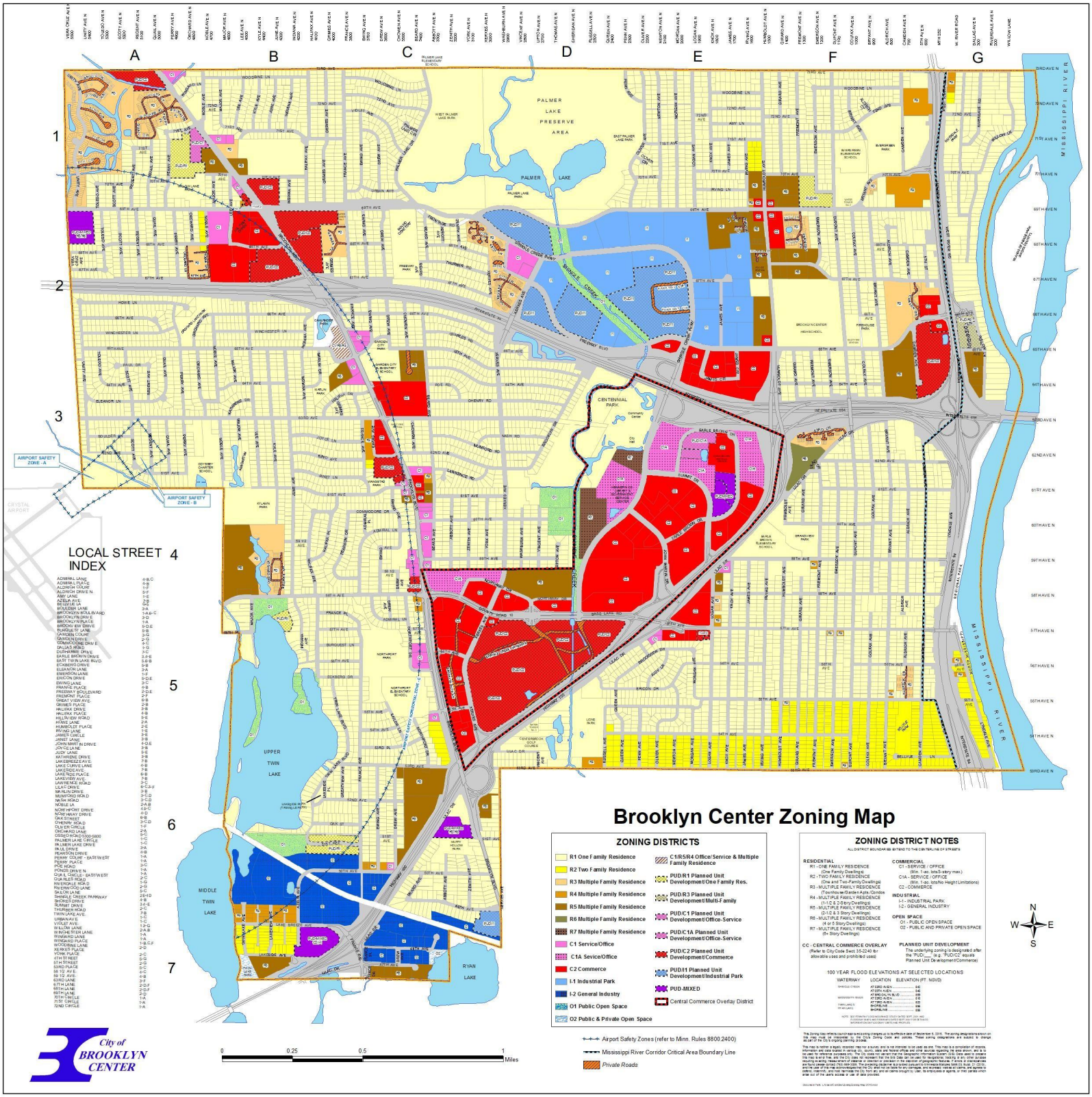
Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Aerial	8/6/2019	Backup Material
Site Context	8/6/2019	Backup Material
Zoning Map	8/8/2019	Backup Material

4900

50th Ave N
50th Ave N
Azella Ave N
Lakebreeze Ave N
4900
4911
4912
4830
3900
3715
3707
3701
3607
3614
5001
4913
4907
4901
3355
4837
4819
4807
4100
4751
4810
100


A
B
C
D
E
F
G
1
2
3
4
5
6
7
PALMER LAKE PRESERVE AREA
PALMER LAKE
CENTENNIAL PARK
UPPER TWIN LAKE
MIDDLE TWIN LAKE
RYAN LAKE
MISSISSIPPI RIVER
BASSET CREEK
AIRPORT SAFETY ZONE - A
AIRPORT SAFETY ZONE - B
CRYSTAL AIRPORT
LOCAL STREET INDEX
Brooklyn Center Zoning Map
ZONING DISTRICTS
R1 One Family Residence
R2 Two Family Residence
R3 Multiple Family Residence
R4 Multiple Family Residence
R5 Multiple Family Residence
R6 Multiple Family Residence
R7 Multiple Family Residence
C1 Service/Office
C1A Sevice/Office
C2 Commerce
I-1 Industrial Park
I-2 General Industry
O1 Public Open Space
O2 Public & Private Open Space
C1/R5/R4 Office/Service & Multiple Family Residence
PUD/R1 Planned Unit Development/One Family Res.
PUD/R3 Planned Unit Development/Multi-Family
PUD/C1 Planned Unit Development/Office-Service
PUD/C1A Planned Unit Development/Office-Service
PUD/C2 Planned Unit Development/Commerce
PUD/I1 Planned Unit Development/Industrial Park
PUD-MIXED
Central Commerce Overlay District
Airport Safety Zones (refer to Minn. Rules 8800.2400)
Mississippi River Corridor Critical Area Boundary Line
Private Roads
ZONING DISTRICT NOTES
ALL DISTRICT BOUNDARIES EXTEND TO THE CENTERLINE OF STREETS
RESIDENTIAL
R1 - ONE FAMILY RESIDENCE (One Family Dwelling)
R2 - TWO FAMILY RESIDENCE (One and Two-Family Dwellings)
R3 - MULTIPLE FAMILY RESIDENCE (Townhouse/Garden Apts./Condos
R4 - MULTIPLE FAMILY RESIDENCE (1-1/2 & 2-Story Dwelling)
R5 - MULTIPLE FAMILY RESIDENCE (2-1/2 & 3 Story Dwellings)
R6 - MULTIPLE FAMILY RESIDENCE (4 or 5 Story Dwellings)
R7 - MULTIPLE FAMILY RESIDENCE (6+ Story Dwellings)
COMMERCIAL
C1 - SERVICE / OFFICE (Min. 1-sc. lots/3-story max.)
C1A - SERVICE / OFFICE (Min. 1-sc. lots/No Height Limitations)
C2 - COMMERCE
INDUSTRIAL
I-1 - INDUSTRIAL PARK
I-2 - GENERAL INDUSTRY
OPEN SPACE
O1 - PUBLIC OPEN SPACE
O2 - PUBLIC AND PRIVATE OPEN SPACE
CC - CENTRAL COMMERCE OVERLAY (Refer to City Code Sect 35-22 40 for allowable uses and prohibited uses)
PLANNED UNIT DEVELOPMENT
The underlying zoning is designated after the "PUD-___" (e.g. "PUD/C2" equals Planned Unit Development/Commerce)
100 YEAR FLOOD ELEVATIONS AT SELECTED LOCATIONS
WATERWAY
LOCATION
ELEVATION (FT. NGVD)
0
0.25
0.5
1
Miles
N
W
E
S
City of BROOKLYN CENTER

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
AUGUST 12, 2019
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 Mike Elliott at 9:30 p.m.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners April Graves, Kris Lawrence-Anderson, and Dan Ryan. Councilmember/Commissioner Marquita Butler was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Business and Workforce Development Coordinator Brett Angell, and City Attorney Troy Gilchrist.

PLACES OF WORSHIP – ZONING AMENDMENT DISCUSSION

Community Development Director Meg Beekman reviewed a request to amend the I-2 Zoning District to allow Places of Worship as an authorized use. A worship group wants to relocate its religious use and community center to a property within the I-2 Zoning District as their current facility on Brooklyn Boulevard is no longer available. They hope to stay within the community as many of their members are residents of Brooklyn Center and Brooklyn Park.

Ms. Beekman stated the applicant has identified a site within the I-2 Zone, 4900 Brooklyn Boulevard, and is seeking to purchase the site to create a community center, gathering and worship space, events and classroom space and office. The community gathers several times a week, evenings, and weekends.

Ms. Beekman stated the I-2 District is a heavier industrial use area. Religious uses are currently permitted in the C-2 Zoning District as well as Residential Districts.

Ms. Beekman stated there is some concern regarding parking, which is limited on the site with only 18 striped stalls. The City Planner measured the parking area and determined there is room for a total of 25 stalls. City Staff has concerns regarding Fire Code compliance, egress issues, and assembly use standards, and the building would require a change of use and compliance with fire standards.

Ms. Beekman stated there is a compliment in the hours of use, as the industrial area is used predominantly during workday hours, and the worship would be evenings and weekends. She added the property had been challenged due to its unique layout and location, so some synergy would be created between how the site can meet their needs and what they would bring to the facility.

Ms. Beekman stated City Staff had reviewed this issue with the City Attorney and the most legally defensible way forward is to enact a Zoning Code text amendment to allow places of worship as a specially permitted use within the I-2 District with conditions including building use, ADA requirements, adequate parking and access, and fire suppression. These amendments would apply to all properties within the I-2 Zoning District as spot zoning is prohibited in State statute and only takes place absent of policy and Comprehensive Plan guidance.

Councilmember/Commissioner Graves asked whether there are other uses within this neighborhood, in the I-2 Zoning District. Ms. Beekman stated there is a utility substation across the street from the building and a railroad track to the south with no fencing.

City Attorney Troy Gilchrist stated the proposed Ordinance amendment can be set up so that a use may be permitted on a particular property in the I-2 Zoning District, but not allowed on every property in the Zoning District unless criteria are met.

Councilmember/Commissioner Ryan expressed his concern regarding changing a Zoning District to allow a place of worship on industrial property that could potentially be valuable in terms of tax capacity and commercial use. He added there are not many I-2 properties, and this Ordinance amendment would set a precedent for other similar uses. He added the Special Use Permit criteria would need to be very specific regarding types of uses

Mr. Gilchrist stated the amendment would determine that the use is generally appropriate, but the City Council/EDA can apply criteria. He added a Special Use Permit would run with the property, and a future owner would have the right to resume the operation within the criteria of the permit.

Councilmember/Commissioner Ryan asked whether the applicant is aware of the additional costs of compliance with fire suppression and ADA regulations. Ms. Beekman stated the applicant has met with the building office and reviewed these issues as well as parking requirements. She added specific information regarding capacity had not been provided.

Councilmember/Commissioner Ryan stated he would be willing to support this request if the Special Use Permit would have solid criteria, and assuming the use would be tax-exempt, protect the financial interests of the City.

Mayor/President Elliot agreed, adding City Staff could provide a draft amendment with criteria for the City Council/EDA's review.

Ms. Beekman stated the proposed amendment would be reviewed by the Planning Commission before review by the City Council/EDA.

9. The storage area shall consist of a concrete or bituminous surface. The property owner or responsible tenant shall keep the outdoor storage areas free of refuse, trash, debris, weeds, and waste fill.

10. Any storage or placement of materials outside of the designated area shall be a violation of the City Code.

11. A detailed site plan specifically delineating the storage area, including the landscaping and lighting plans for said areas, must be approved by the City Council.

Section 35-331. I-2 GENERAL INDUSTRY.

1. Permitted Uses

a. The following manufacturing activities.

1) Food and kindred products as illustrated by:

Dairy products
Bakery products
Confectionery and related products
Beverages, including beer, wine, and distilled alcohol
Macaroni, spaghetti and noodles

2) Textile mill products.

3) Apparel and other finished products made from fabrics, leather and similar materials.

4) Lumber and wood products, except saw mills and planing mills producing dimensioned lumber.

5) Furniture and fixtures.

6) Converted paper and paperboard products (as opposed to paper and paperboard manufacturing).

7) Printing, publishing and allied industries.

8) Chemicals and allied products as follows:

Drugs
Soaps, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations (compounding and packaging only)

9) Miscellaneous plastic products.

10) Fabricated metal products as illustrated by:

Office computing and accounting machines
Household appliances
Electrical lighting and wiring equipment
Communication equipment, including radio and television receiving sets
Electronic components and accessories
Screw machine product
Coating, engraving and allied services

11) Professional, scientific, electronic and controlling instruments, photographic and optical goods, watches and clocks.

12) Miscellaneous manufacturing goods such as jewelry and silverware, musical instruments and parts, toys, amusement, sporting and athletic goods and pens, pencils and other office and artistic materials.

13) Assembly of electric powered vehicles.

b. The following wholesale trade activities:

1) Motor vehicles and automotive equipment.

2) Drugs, chemicals and allied products.

3) Dry goods and apparel.

4) Groceries and related products.

5) Electrical goods.

6) Hardware, plumbing, heating equipment and supplies.

7) Machinery, equipment and supplies.

8) Other wholesale trade similar in nature to the aforementioned uses such as paper and paper products, furniture and home furnishings and beer, wine, and distilled alcoholic beverages, but expressly excluding petroleum bulk stations and scrap and waste materials and similar uses.

c. The following service activities:

1) Laundrying, dry cleaning and dyeing.

2) Warehousing and storage.

3) Automobile and truck repair and wash.

4) Contract construction.

5) Kennels.

6) Veterinarian and animal hospitals.

7) Automobile and truck rental and leasing.

8) Gasoline service stations (See Section 35-414), motor vehicle repair and auto washes provided they do not abut an R1, R2, or R3 district, including abutment at a street line; trailer rental in conjunction with these uses, provided that there is adequate trailer parking space.

d. Truck terminals or exchange stations.

e. Public transit terminals.

f. Accessory uses incidental to the foregoing principal uses when located upon the same property with the use to which it is accessory. Such accessory uses to include but not be restricted to the following:

1) Off-street parking and off-street loading.

2) Signs as permitted in the Brooklyn Center Sign Ordinance.

3) Storage of materials, provided that when the use abuts or is adjacent to any residential zone such storage shall be within completely enclosed buildings or effectively screened by a solid wall or fence, including solid entrance and exit gates not less than six feet nor more than eight feet in height.

g. Other uses similar in nature to the aforementioned uses, as determined by the City Council.

2. Special Requirements

a. See Section 35-413 of these ordinances.

3. Special Uses

a. Foundries, provided that the foundry operation is a necessary incident to a principal use permitted in the I-2 district.

b. Retail sales of products manufactured, processed or wholesaled at the use site.

c. Accessory off-site parking not located on the same property with the principal use, subject to the provisions of Section 35-701.

Section 35-340. O-1 PUBLIC OPEN SPACE DISTRICT.

1. Permitted Uses

a. Public parks, playgrounds, athletic fields, and other recreational uses of a noncommercial nature.

b. Accessory uses incidental to the foregoing principal uses when located on the same property with the use to which it is accessory but not including any business or industrial use. Such accessory uses to include but not be restricted to the following:

1) Off-street parking.

2) Public recreational buildings and parks, playgrounds and athletic fields.

3) Signs as permitted in the Brooklyn Center Sign Ordinance.

Section 35-341. O-2 PUBLIC AND PRIVATE OPEN SPACE DISTRICT.

1. Permitted Uses

a. Public parks, playgrounds, athletic fields and other recreational uses of a noncommercial nature.

b. Commercial recreational facilities of a semi-open nature such as golf courses and golf driving ranges.

c. Accessory uses incidental to the foregoing principal uses when located on the same property with the use to which it is accessory but not including any business or industrial uses. Such accessory uses to include but not be restricted to the following:

1) Off-street parking.

Exhibit D

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2019, 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 amending the zoning regulations to allow religious uses in the General Industry (I-2) District as a special use.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 REGARDING USES ALLOWED IN THE GENERAL INDUSTRY (I-2) DISTRICT

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

Article I. Legislative Findings. The City Council of the City of Brooklyn Center ("City") hereby finds and determines as follows:

1. The City currently allows places for religious assemblies in several zoning districts within the City, but the use is currently not allowed in the City's General Industry (I-2) District;

2. The City desires to accommodate religious uses to the extent reasonably possible, but the City has previously not allowed such uses in this industrial district because the properties within this type of district:

    a. Contain structures that were built to accommodate manufacturing, warehousing, or other industrial uses not intended for occupation by the general public;

    b. These properties typically contain small parking lots because industrial uses have relatively few employees and few customers visiting the site, compared to assembly uses that typically require a large amount of on-site parking to accommodate the members and participants; and

    c. Converting existing industrial structures to comply with the various codes applicable to assembly uses can be costly;

3. Religious uses can create certain negative impacts on an area including, but not limited to, traffic and parking concerns depending on the size and the scope of their operations;

4. In order to allow the City to fully consider the potential impacts of a proposed use and to develop conditions to mitigate or eliminate those impacts, it is appropriate to require a religious use proposing to locate in the I-2 District to obtain a special use permit from the

City and to ensure such uses meet the minimum requirements and standards imposed by the City Code; and

5. The City Council determines it is in the best interests of the City to allow religious uses in the I-2 District pursuant to a special use permit, provided they can satisfy the applicable codes, standards, and requirements.

Article II. Special Uses. Section 35-331, paragraph 3 of the Brooklyn Center City Code identifying the uses allowed in the General Industry District as a special use is hereby amended as follows:

3. Special Uses

   a. Foundries, provided that the foundry operation is a necessary incident to a principal use permitted in the I-2 district.

   b. Retail sales of products manufactured, processed or wholesaled at the use site.

   c. Accessory off-site parking not located on the same property with the principal use, subject to the provisions of Section 35-701.

   d. Places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards.

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

Adopted this ___ day of _____, 2019.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Commissioner introduced the following resolution and moved its adoption:

PLANNING COMMISSION RESOLUTION NO. 2019-013

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2019-015 FOR ADOPTION OF A ZONING AMENDMENT REGARDING ALLOWED USES WITHIN THE I-2 (GENERAL INDUSTRY) DISTRICT

WHEREAS, the Planning Commission held a public hearing, after due notice having been provided, on September 12, 2019, on a proposed ordinance titled AN ORDINANCE AMENDING CHAPTER 35 REGARDING USES ALLOWED IN THE GENERAL INDUSTRY (I-2) DISRICT ("Ordinance"); and

WHEREAS, the Ordinance amends the list of uses allowed by special use within the I-2 (General Industry) District ("District") to incorporate "places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards," and

WHEREAS, the Planning Commission heard from those wishing to speak on the proposed Ordinance, discussed it, and determined that the proposed amendment is consistent with the intent of the District and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Brooklyn Center, Minnesota hereby forwards the proposed Ordinance to the City Council with a recommendation that it be adopted as presented.

September 12, 2019
Date

Randall Christensen, Chair

ATTEST: _____
Ginny McIntosh, Secretary

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.

Commissioner MacMillan introduced the following resolution and moved its adoption:

PLANNING COMMISSION RESOLUTION NO. 2019-013

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2019-015 FOR ADOPTION OF A ZONING AMENDMENT REGARDING ALLOWED USES WITHIN THE I-2 (GENERAL INDUSTRY) DISTRICT

WHEREAS, the Planning Commission held a public hearing, after due notice having been provided, on September 12, 2019, on a proposed ordinance titled AN ORDINANCE AMENDING CHAPTER 35 REGARDING USES ALLOWED IN THE GENERAL INDUSTRY (I-2) DISRICT ("Ordinance"); and

WHEREAS, the Ordinance amends the list of uses allowed by special use within the I-2 (General Industry) District ("District") to incorporate "places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards," and

WHEREAS, the Planning Commission heard from those wishing to speak on the proposed Ordinance, discussed it, and determined that the proposed amendment is consistent with the intent of the District and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Brooklyn Center, Minnesota hereby forwards the proposed Ordinance to the City Council with a recommendation that it be adopted as presented.

September 12, 2019
Date

Randall Christensen, Chair

ATTEST: Ginny McIntosh
Ginny McIntosh, Secretary

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

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2019, 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 amending the zoning regulations to allow religious uses in the General Industry (I-2) District as a special use.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 REGARDING USES ALLOWED IN THE GENERAL INDUSTRY (I-2) DISTRICT

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

Article I. Legislative Findings. The City Council of the City of Brooklyn Center ("City") hereby finds and determines as follows:

1. The City currently allows places for religious assemblies in several zoning districts within the City, but the use is currently not allowed in the City's General Industry (I-2) District;

2. The City desires to accommodate religious uses to the extent reasonably possible, but the City has previously not allowed such uses in this industrial district because the properties within this type of district:

    a. Contain structures that were built to accommodate manufacturing, warehousing, or other industrial uses not intended for occupation by the general public;

    b. These properties typically contain small parking lots because industrial uses have relatively few employees and few customers visiting the site, compared to assembly uses that typically require a large amount of on-site parking to accommodate the members and participants; and

    c. Converting existing industrial structures to comply with the various codes applicable to assembly uses can be costly;

3. Religious uses can create certain negative impacts on an area including, but not limited to, traffic and parking concerns depending on the size and the scope of their operations;

4. In order to allow the City to fully consider the potential impacts of a proposed use and to develop conditions to mitigate or eliminate those impacts, it is appropriate to require a religious use proposing to locate in the I-2 District to obtain a special use permit from the

City and to ensure such uses meet the minimum requirements and standards imposed by the City Code; and

5. The City Council determines it is in the best interests of the City to allow religious uses in the I-2 District pursuant to a special use permit, provided they can satisfy the applicable codes, standards, and requirements.

Article II. Special Uses. Section 35-331, paragraph 3 of the Brooklyn Center City Code identifying the uses allowed in the General Industry District as a special use is hereby amended as follows:

3. Special Uses

   a. Foundries, provided that the foundry operation is a necessary incident to a principal use permitted in the I-2 district.

   b. Retail sales of products manufactured, processed or wholesaled at the use site.

   c. Accessory off-site parking not located on the same property with the principal use, subject to the provisions of Section 35-701.

   d. Places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards.

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

Adopted this ___ day of _____, 2019.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 14th day of October, 2019, 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 amending the zoning regulations to allow religious uses in the General Industry (I-2) District as a special use.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2019-12

AN ORDINANCE AMENDING CHAPTER 35 REGARDING USES ALLOWED IN THE GENERAL INDUSTRY (I-2) DISTRICT

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

Article I. Legislative Findings. The City Council of the City of Brooklyn Center ("City") hereby finds and determines as follows:

1. The City currently allows places for religious assemblies in several zoning districts within the City, but the use is currently not allowed in the City's General Industry (I-2) District;

2.The City desires to accommodate religious uses to the extent reasonably possible, but the City has previously not allowed such uses in this industrial district because the properties within this type of district:

a. Contain structures that were built to accommodate manufacturing, warehousing, or other industrial uses not intended for occupation by the general public;

b. These properties typically contain small parking lots because industrial uses have relatively few employees and few customers visiting the site, compared to assembly uses that typically require a large amount of on-site parking to accommodate the members and participants; and

c. Converting existing industrial structures to comply with the various codes applicable to assembly uses can be costly;

3.Religious uses can create certain negative impacts on an area including, but not limited to, traffic and parking concerns depending on the size and the scope of their operations;

4. In order to allow the City to fully consider the potential impacts of a proposed use and to develop conditions to mitigate or eliminate those impacts, it is appropriate to require a religious use proposing to locate in the I-2 District to obtain a special use permit from the

City and to ensure such uses meet the minimum requirements and standards imposed by the City Code; and

5. The City Council determines it is in the best interests of the City to allow religious uses in the I-2 District pursuant to a special use permit, provided they can satisfy the applicable codes, standards, and requirements.

Article II. Special Uses. Section 35-331, paragraph 3 of the Brooklyn Center City Code identifying the uses allowed in the General Industry District as a special use is hereby amended as follows:

3. Special Uses

a. Foundries, provided that the foundry operation is a necessary incident to a principal use permitted in the I-2 district.

b. Retail sales of products manufactured, processed or wholesaled at the use site.

c. Accessory off-site parking not located on the same property with the principal use, subject to the provisions of Section 35-701.

d. Places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards.

Mike Elliott
Mayor
ATTEST: Barbara Sucitu
City Clerk

Published in the
Sun Post
October 3, 2019
981985

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING SUMMARY PUBLICATION FOR ORDINANCE 2019-12

WHEREAS, the City Council of the City of Brooklyn Center has adopted the above referenced ordinance concerning a Charter Amendment; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent of Ordinance 2019-12.

NOW, THEREFORE, BE IT RESOLVED that: the following summary of Ordinance 2019-12 shall be published in the official newspaper in lieu of the entire ordinance.

SUMMARY PUBLICATION
Ordinance 2019-12

An Ordinance Amending Brooklyn Center City Code, Chapter 35, Section 331; Subd. 3 Special Uses on October 14, 2019.

The additional provision allows for places for religious assemblies such as chapels, churches, temples, mosques, and synagogues, provided the use complies with the minimum parking standards in Section 35-700 and other applicable standards.

October 14, 2019
Date

_____
Mike, Elliott, Mayor

ATTEST:_____
Barb 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/EDA Work Session
City Hall Council Chambers
October 14, 2019

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 entrance of the council chambers.

ACTIVE DISCUSSION ITEMS

1. Sewer Availability Charge (SAC) Credit Policy
2. Liquor License Updates
3. Ordinance Amending the Public Dance Ordinance to the Entertainment Ordinance and Zoning Ordinance
4. Findings of Council Retreat & Recommendations

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
   - Commemoration of 400 years of Slavery Activities
   - Police Crisis Prevention Options - 11/25
   - Livable Wages - 12/9
   - Environmental Policies and Practices - 10/28
   - Housing Policy Implementation Plan - 10/28
   - Options for Use of Adjacent Space to Liquor Store - 1/27
   - Metro Transit Bus - 10/28
   - Food Trucks - 1/28
   - Use of EDA Owned Property - 11/25
   - Rental License Update - 1/28
   - Census Update - 1/28
   - Discussion of Mayor/City Council roles & responsibilities
   - Freeway Park Cemetery MOU - 1/13

MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Sewer Availability Charge (SAC) Credit Policy

Recommendation:

- Consider the proposed creation of a Sewer Availability Charge (SAC) Credit Policy, and provide direction relating to the structure of such a policy.

Background:

The Metropolitan Council Environmental Services (MCES) Sewer Availability Charge (SAC) is a charge to customer communities, such as Brooklyn Center, for the reserved capacity costs of the metropolitan disposal system. The fee is charged by the Metropolitan Council directly to local governments at the time of building permit issuance based on estimated sewer use of new or expanded uses. In most cases, cities pass the fee directly through to the contractor, business owner, or developer of new or expanded use. SAC fees are charged when a residential, commercial, industrial or institutional property first connects to the regional wastewater system. SAC charges may also occur when if a business grows or changes and creates a higher demand on the wastewater system.

When new development occurs there is a designated SAC fee set by the Met Council based upon the proposed use and size of that use. The Met Council calculates the number of SAC units each use will be required to have, and the fee is based on a set charge per unit. For example, a new single family residential home would have a SAC charge of 1 unit, while a new restaurant may have a SAC charge of 25 units. The 2019 rate for one SAC unit is $2,485. Those SAC units, once paid by the city, stay with the property in perpetuity.

If at some point in the future, a building is demolished, a city would be able to reclaim a portion of preexisting SAC units on that property to be used elsewhere in the city; converting them into city-wide SAC credits. City-wide credits are paid-for credits that can be used throughout the entire city. City-wide credits can only be captured at the time a demolition permit is pulled or at the time a building permit for new construction is issued. Once a city has captured city-wide credits, they can be used as a means to reduce SAC charges for other development in the city, but they don't have to be used that way. Because the city-wide credits belong to the city, cities can continue to charge developments for owed SAC units on their properties, and utilize any SAC credits to serve other objectives.

The City of Brooklyn Center made a practice of capturing city-wide SAC credits in the past; however, rule changes at the Met Council, along with staff changes meant that this has not been common practice for approximately the last ten years. There are numerous parcels, which are currently vacant, which contain unused SAC units. Current increases in development interest on many of these parcels has meant that the City has the potential to capture numerous credits and create a SAC Credit Program. Based on recent conversations with the Metropolitan Council, the properties which have the highest number of designated city-wide credits are the

parcels located within the Opportunity Site and 1601 James Circle; however, the recent Casey's project also presented an opportunity to reclaim SAC credits.

Hypothetical Example

A restaurant bought and developed a parcel of land within a city. At the time of development, the restaurant's contractor paid the required 35 SAC units as determined by the Metropolitan Council. After 10 years, the restaurant decides to close and sells the building and land to a developer interested in redeveloping the site into retail. The retail center only requires 10 SAC units. At the time of demolition, the city's building official designates the remaining 25 SAC units on the site as city-wide credits. The Metropolitan Council issues the city-wide SAC credits in the form of a credit on the city's monthly SAC report and billing statement. As SAC units are charged and paid on unrelated projects throughout the city, the city retains the fees paid by those contractors and developers, rather than pass them through to the Metropolitan Council, as part of an established SAC Credit Program. Those funds support priorities identified by the program in a SAC Credit Policy.

Twin Cities Sewer Availability Charge Programs

A few cities throughout the Twin Cities Metropolitan Region have created SAC credit policies or programs. These largely support economic development tools as a way to advance the priorities of the city. There is wide flexibility in what the funds or credits from this program can be used for. One of the more common approaches that cities have taken is to have their SAC credit programs focus on reducing the SAC charges for new restaurants. Other potential programs look to assist businesses who are expanding and may have an additional SAC charge due to the expansion.

Of the cities that do have established SAC credit programs, most are experiencing primarily redevelopment rather than green field development. Due to this fact, and the fact that this program is not promoted or encouraged by the Metropolitan Council, these programs are not widespread.

Brooklyn Center Sewer Availability Charge (SAC) Program Ideas

With recent collection of SAC credits from new redevelopment projects, such as Casey's General Store, the City of Brooklyn Center has begun to collect city-wide SAC credits that will be able to be used for new programs.It is anticipated that the City will have approximately $75,000 of revenue from existing City-wide credits that will be generated with upcoming redevelopment projects in 2020. Staff has identified a number of areas where these funds could support enhancing strategic priorities. In general, staff's recommendation is to utilize the city-wide SAC Credit Program to support businesses in the community, with an emphasis on small and micro businesses. Small businesses frequently have the greatest need for resources, and yet provide the greatest opportunities for economic and employment growth.

Staff has been in conversation with existing small businesses in the community, and based on these conversations, has identified the following programs for possible funding. These can be further refined as part of the EDA budget discussion; however, staff is seeking direction from Council if there are areas of higher or lower priority as the budgeting process moves forward.

The revenue from credits can be placed directly into the Economic Development Authority budget and be used to support businesses within the community. This would allow for Brooklyn Center to enhance current programs and create new programs, such as the following:

Revolving Loan Fund

In July of 2018, the EDA established a Revolving Loan Fund (RLF) as part of the Minnesota Investment Fund grant award from the Department of Employment and Economic Development for Bizzy Coffee. As part of the MIF guidelines, on each month's loan repayment, the City is able to capture 40% of the payment and place those funds into a City-established RLF. To date, the City currently has approximately $3,600 that has been generated into the RLF. Due to the slow growth of the funds that are available, the RLF has not been

able to be utilized to date. A portion of funds from the SAC credit program could be used to support this program, which supports low interest loans for businesses in the community.

Given low interest rates in the private banking market, this would be a lower priority at this time. However, the City's revolving loan fund is available for businesses that may otherwise find it difficult to access private bank lending, and so providing some funding through this program may be a useful resource for some businesses.

Safety and Security Grant Program

Through recent conversations with small businesses and some rental property owners within the City, there has been an expressed desire for assistance as businesses upgrade the security or safety of their properties. A Safety and Security Grant Program could be created to assist property owners with their desired upgrades to their property and assist in reducing crime. This proposed program would create up to $1000 matching grant awards for properties which are commercial, industrial, and multi-family of 10 units or more. The grant would require a 100% match by the applicant and be delivered on a reimbursement basis. The grant could have additional requirements, such as a required consultations with the Police Department prior to grant approvals.

Small and Micro Business Outreach and Support

A focus of this new program would be to assist small and micro businesses who are currently located or would like to locate within Brooklyn Center. The initial priority would be on outreach to small and micro businesses within the community in order to identify their true needs and desires to be able to thrive within the City. Through the results of this outreach, the City will be able to establish resources for capacity building for these businesses.

The City has already partnered with LIBA, formerly the Liberian Business Association, to conduct outreach and engagement with Brooklyn Center entrepreneurs towards this goal; however, identifying the needs of the City's local business community is the first step. Once this work is complete, the next step will be to identify specific initiatives and resources designed to meet the needs of the City's small and micro business community. SAC Credit Program funds could be utilized to support what that work ends up being; whether it is access to training, capacity building, micro grants, or a focus on a particular real estate project which supports small businesses.

SAC Reduction Public Subsidy

As defined in section 3.A.12 of the Public Subsidy Policy that is currently being considered by the City Council, the City would have the ability to waive SAC Charges or use retained credits to off-set a project's SAC expenses. SAC expenses can be costly, and are frequently an unexpected cost for small businesses. This program can be used to offset the cost of SAC units for small businesses under specific conditions, as would need to be defined by the program.

Future Use of SAC Credit Program Funds

As the needs of the business community changes, how SAC credit funds are used should also be adjusted. As part of any policy, it should be reconsidered to ensure that the resources are being utilized in the most effective way possible. This will require ongoing conversations with the business community, as well as continuing to understand the market which affects the City's economic conditions.

An example of a future use for SAC credit program funds might be a façade program grant, which provides matching funds to support sign upgrades. This may be something the City wants to support with the adoption of a new sign code in order to provide an incentive to support businesses in bringing their properties into compliance with the new ordinance. This might be something to consider in 2021.

Policy Issues:

- Does the City Council/EDA have interested in creating an established SAC Credit Policy?
- Should the credits be placed in the EDA budget and be used to support businesses in the community?
- What are priority areas of focus that should be addressed with the creation of a SAC Credit Policy?

Strategic Priorities and Values:

Resident Economic Stability, Targeted Redevelopment, Safe, Secure, Stable Community

MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Liquor License Updates

Recommendation:

- Provide feedback to staff regarding the proposed housekeeping ordinance amendments.

Background:

It has been determined the Liquor Ordinance needed a few minor housekeeping amendments. The majority of these amendments come in Section 11-103 - Definitions. The proposed definitions include some definitions from State Statutes.

In addition to the definition housekeeping amendments, staff is requesting feedback to Section 11-117; Places Ineligible for Liquor License. Subdivision 6. Currently, it reads:

"No Liquor license shall be granted if the Premises is located within 300 feet of, or within the same building, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses: a school, day care center, church, hospital, halfway house, currency exchange operation, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna, or another on-sale Liquor establishment."

Staff is proposing amendments to this section but there are two options:

"No Intoxicating on-sale Liquor license shall be granted if the Premises is located within 300 feet of~~, or within the same building, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses:~~ any school, day care center, religious institution ~~church~~, ~~hospital, halfway house, currency exchange operation, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna,~~ or another Intoxicating on-sale Liquor establishment. A wine and/or on-sale 3.2 beer license may be granted within 300 feet of any of the above listed uses if the license premise and listed uses are located within the same zoning district."

This option allows a business in the same zoning district the ability to obtain a wine and/or 3.2 beer license. Or:

"No Intoxicating on-sale Liquor license shall be granted if the Premises is located within 300 feet of~~, or within the same building, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses:~~ any school, day care center, religious institution ~~church~~, ~~hospital, halfway house, currency exchange operation, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna,~~ or another Intoxicating on-sale Liquor establishment. An intoxicating on-sale license may be granted within 300 feet of any of the above listed uses if the license premise and listed uses are located within the same zoning district."

This option would allow a business in the same zoning district to pursue an intoxicating on-sale liquor license if they are in the same zoning district. Both of these options support the businesses within the City of Brooklyn Center.

Staff met with Intoxicating Liquor License holders and reviewed these proposed changes on October 1. The owners did not have an opposition to these changes.

Amendment to 11-118 Conditions of liquor license includes language that clarifies that an establishment that serves food can continue to serve food as long as the liquor is removed from display and placed in a locked enclosure or room that is inaccessible to the public during the hours stated in Section 11-119.

Policy Issues:

- None

Strategic Priorities and Values:

Enhanced Community Image, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Liquor Ordinance Housekeeping	10/10/2019	Ordinance
Presentation	10/7/2019	Presentation

CHAPTER 11 – LIQUOR ORDINANCE

Section 11-101. ADOPTION OF STATE LAW BY REFERENCE. The provisions of Minnesota Statutes, Chapter 340A, as it may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to Minnesota Statutes, Chapter 340A, are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

Section 11-102. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW. The City Council is authorized by the provisions of Minnesota Statutes, Section 340A.509, as it may be amended from time to time, to impose, and has imposed in this Chapter, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minnesota Statutes, Chapter 340A, as it may be amended from time to time.

Section 11-103. DEFINITIONS. In addition to the definitions contained in Minnesota Statutes, Section 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this Chapter:

1. *Applicant*, means any person making an application for a license under this Chapter.

2. *Application*, means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his or her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

3. *Brewer taproom*, means the on sale of malt liquor produced by a brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. The holder of a brewer taproom license may also hold a license to operate a restaurant at the brewery.

4~~1~~. *Brew Pub*, as used in this Chapter, means a Brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed Premises, the entire production of which is solely for consumption on tap on any licensed Premises owned by the Brewer, or for off-sale from those licensed premises as permitted in Minnesota Statutes, Section 340A.24, Subdivision 2.

5~~2~~. *Brewer*, as used in this Chapter, means a person who manufactures malt liquor for sale.

6~~3~~. *Club*, as used in this Chapter, means an incorporated organization organized under the laws of Minnesota for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally

chartered veterans' organization, which: (1) has more than 30 members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the Club, or their guests, beyond a reasonable salary or wages fixed and voted on each year by the governing body.

7. *Display*, as used in this Chapter, means the keeping, storing, and permitting to be kept or stored of an alcoholic beverage which has been poured, dispensed or has had its package seal broken, on, in or at any table, booth, bar or other area of the licensed premises accessible to the general public.

8. *Growler*, is malt-liquor sold off-sale by a small brewer or brew pub, which has been produced and packaged by the brewer in 64-ounce containers commonly known as growlers or in 750 milliliter bottles.

94. *Hotel*, as used in this Chapter, means and includes any establishment having a resident proprietor or manager where, in consideration of payment therefor, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 100 guest rooms with bedding and other usual, suitable, and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk, and office for the registration of its guests on the ground floor, which employs an adequate staff to provide suitable and usual service, and which has a dining room with appropriate facilities for seating not less than 30 guests at one time where guests are provided with food and beverages.

10. *Intoxicating liquor and liquor*, mean ethyl alcohol, distilled, fermented, spirituous, vinous and malt liquors containing in excess of 3.2% of alcohol by weight.

11. *License*, means a document issued by the City to an applicant permitting him to carry on and transact the business stated herein.

125. *Liquor*, as used in this Chapter, without modification by the words "intoxicating" or "3.2 percent malt," includes intoxicating liquor, 3.2 percent malt liquor, and malt liquor.

13. *Malt Liquor*, means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

14. *Manufacturer*, as used in this Chapter, means a person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquor for sale.

15. *Microdistillery*, as used in this Chapter, means a distillery as defined by Minnesota Statutes, Section 340A.101 operated within a state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons a calendar year.

16. *Minor*, for this section means a person under the age specific in Minnesota Statutes, section 340A.503.

17. *Off-Sale*, means the retail sale of beer or liquor in original packages for consumption off or away from the premises where sold.

18. *On-Sale*, means the retail sale of beer, wine or liquor by the glass or by the drink for consumption on the premises where sold only.

19~~6~~. *Premises*, as used in this Chapter, shall mean the inside of the building or the leased space inside a building as shown on the plan submitted to the City Manager's designee with the original license. Outside areas, such as patios or parking lots, shall not be included in the definition of "Premises" unless specifically listed on the license or special permission is obtained in writing from the City for a limited period of time under certain conditions.

20. *Package and original package*, mean any container or receptacle holding liquor, wine or beer, which the container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

21~~7~~. *Restaurant*, as used in this Chapter, means an eating facility, other than a Hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the Premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus where the main food course is served and consumed while seated at a single location and that has at least 30% of its applicable revenue derived from the serving of food for consumption on the Premises. It shall have a license from the State as required by Minnesota Statutes, Section 157.16, as it may be amended from time to time, which has been delegated to and is issued by Hennepin County, and shall meet the definition of either a "small establishment," "medium establishment," or "large establishment" as defined in Minnesota Statutes, Section 157.16, Subdivision 3(d), as it may be amended from time to time. An establishment that serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a "Restaurant" for purposes of this Chapter unless it meets the definitions of "small establishment," "medium establishment," or "large establishment."

22. *Restaurant Movie Theatre*, is an establishment that is both a Restaurant, as defined in Section 11-103, 14 and a movie theater in which movies or motion pictures are shown.

Section 11-117. PLACES INELIGIBLE FOR LIQUOR LICENSE.

Subdivision 6. No Intoxicating on-sale Liquor license shall be granted if the Premises is located within 300 feet of~~, or within the same building, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses:~~ any school, day care center, religious institution ~~church~~, ~~hospital, halfway house, currency exchange operation, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna,~~ or another Intoxicating on-sale Liquor establishment. A wine and/or on-sale 3.2 beer license may be granted within 300 feet of any of the above listed uses if the license premise and listed uses are located within the same zoning district.

Section 11-118. CONDITIONS OF LIQUOR LICENSE. Every Liquor license shall be granted subject to the following conditions and any other applicable ordinance of the City or State law:

7. Nothing herein prohibits a hotel dining room, a restaurant, a bowling center, or a club from serving or selling food during hours that the sale of liquor is prohibited if the liquor is removed from display and placed in a locked enclosure or room that is inaccessible to the public during the hours stated in Section 11-119.

Liquor Updates 10-14

Chapter 11 – Liquor Housekeeping/Updates

City Council Meeting, 10/14/19

Request of Action

Provide feedback to staff regarding the proposed housekeeping/updates for Chapter 11- Liquor

Policy Amendments - Definitions

- These proposed amendments would provide additional definitions for liquor that are allowed by State Statute but are not currently defined in our City Code.
- Examples are:
  - Brewer Taproom
  - Growler
  - Microdistillery
  - Minor
  - Restaurant
  - Restaurant, Movie Theatre

2

Policy Amendments Section 11-118

- Proposing additional language for 11-118 – Conditions of Liquor License
  - Proposed language reads "a hotel, dining room, a restaurant, bowling center, or a club can continuing serving food during hours that the sale of liquor is prohibited if the liquor is removed from display and is inaccessible to the public."
  - This is current verbal practice but adding the language to the ordinance allows for transparency for this issue.

4

Policy Amendments Section 11-117

- Current language for Section 11-117, subd 6; Places Ineligible for Liquor License reads as follows:

> "No liquor license shall be granted if the premises is located within 300 feet of, or within the same building, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses: a school, day care center, church, hospital, halfway house, currency exchange operation, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna, or other another on-sale liquor establishment."

2

Section 11-117 cont.

- Staff is proposing amendments to this section that would allow leniency of issuing liquor licenses if they are in the appropriate zoning district.
  - Language to eliminate all restrictions except any school, day care center, or religious institution.

20

Section 11-117 cont.

- A conservative approach could be to limit this to Intoxicating on-sale liquor license with the possibility of obtaining a wine and/3.2 beer license. This would narrow the scope of the availability:

"No Intoxicating liquor license shall be granted if the premises is located within 300 feet of, a school, day care center, religious institution, or another Intoxicating on-sale liquor establishment. A wine and/or on-sale 3.2 beer liquor license may be granted within 300 feet of any above listed uses if the licensed premise and listed uses are located within the same zoning district."

Section 11-117; subd. 6 cont.

- Do not limit the type of liquor license:

"No liquor license shall be granted if the premises is located within 300 feet of, a school, day care center, religious institution, or other another on-sale liquor establishment. An on-sale liquor license may be granted within 300 feet of any above listed uses if the licensed premise and listed uses are located within the same zoning district."

Council Questions/Feedback

MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Ordinance Amending the Public Dance Ordinance to the Entertainment Ordinance and Zoning Ordinance

Recommendation:

- *Provide feedback on the proposed amendments to the Entertainment Ordinance and Zoning Ordinance*

Background:

At the August 26, 2019, Work Session staff brought forward the concept of amending the Public Dance Ordinance into a more comprehensive and robust Entertainment Ordinance. At that time the council was supportive of the concept but expressed concerns with considering nearby residents and neighborhoods due to noise issues.

Tonight before the City Council is a draft Entertainment License that has been a collaboration by a committee of City staff. The intent of the proposed ordinance amendments is to place a focus on behaviors, particularly antisocial behaviors, that may result in police calls, and not focus on the type of establishments or its operations.

The public dance ordinance is a dated ordinance which does not fully address modern day entertainment. Amending the public dance ordinance allows the City to address antisocial behaviors that may be associated with establishments that cater to nighttime entertainment in a more effective manner.

The proposed entertainment ordinance establishes regulatory conditions such as zoning, overcrowding, parking limitations, police calls, and sound emissions. In addition, staff is proposing a set penalty schedule for violations of the ordinance. This would be set by resolution as part of the City's fee schedule.

For live entertainment, the zoning code requires a special use permit. By incorporating live entertainment into this ordinance, it will eliminate the special use permit and streamline the process into one permit. Staff is proposing to amend Chapter 35 Section 322; C2 Commerce District: subd.1. b removing "provided they do not offer live entertainment". Additionally, subd. 3.d Special Uses; removing "Eating establishments offering live entertainment;" These changes in the City's Zoning Code will be contain within the proposed Entertainment Ordinance.

Staff met with the business owners that currently hold intoxicating liquor licenses to obtain feedback. Overall, the feedback was positive. The comments were very minimal but in a positive manner.

Policy Issues:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
8/26 Presentation	10/2/2019	Backup Material
8/26 Minutes Excerpt	10/2/2019	Backup Material
Proposed Ordinance	10/10/2019	Ordinance

Amendment Public Dance Ordinance to Entertainment Ordinance

City Council Meeting, 8/26/19

Request of Action

Provide direction to staff regarding amending the Public Dance Ordinance to Entertainment Ordinance

Policy Background

- The intent of this propose ordinance change is to place a focus on behaviors, particularly antisocial behaviors, that may result in police calls and not a focus on the type of establishments or its operations.

- By identifying potential antisocial behaviors, regulatory policy strategies can be employed to mitigate or prevent such behaviors.

Policy Background

- The proposed ordinance amendments are rationale is two-fold:
  1. The current "public dance" ordinance is a dated ordinance which does not fully address related modern day entertainment.

  2. Amending of the "public dance" ordinance allows the City to address antisocial behaviors that may be associated with business establishments that cater to nighttime entertainment in a broad, comprehensive, and effective way.

Policy Background – Types of Entertainment

- Background or Jukebox Music
- DJ Music
- Live Music
- Concerts
- Dance
- Public Performers
- Recorded Music (i.e., tape, radio or machine device play)

Policy Background - Conditions

- By amending the "public dance" ordinance to an "entertainment" ordinance, broader and more comprehensive regulatory conditions may be established such as:
  - **Zoning:** The establishment and associated use must comply with the zoning code.
  - **Occupancy**: Permitting occupancy not to exceed the limits permitted under the uniform fire code (overcrowding)
  - **Building Standards:** The licensed premise must comply with the building standards including, but not limited to ADA accessibility for stages and dance floors, and ingress, and egress provisions.

Policy Background – Conditions (Continued)

- **Parking Limitations:** The licensed premise shall comply with zoning code, fire code, and building code requirements including but not limited to no blocking of emergency access lanes; No blocking of fire hydrants; and sufficient parking shall be provided as identified within the zoning code.
- **Police Calls:** Licensed premises cannot create a disproportional number of police calls relative to other like establishments.
- **Noise or Sound:** Sound should not be audible from the premise after 10 p.m.

2

Policy Background – Penalty for Violation

Violation	Penalty	Period
1st Violation	$200.00	N/A
2nd Violation	$500.00	Within 24 months of 1st violation
3rd Violation	$1,000.00	Within 24 months of 2nd violation
4th Violation	Licensed revoked	Within 24 months of 3rd violation

2

Policy Background

- Staff believes by focusing on behaviors, particularly antisocial behaviors that may result in police calls and not a focus on the type of establishments or its operations the City may mitigate or prevent antisocial behaviors and assist businesses with operating successfully.

Policy Issue

What is the direction of the Council on to staff regarding amending of the Public Dance Ordinance to Entertainment Ordinance?

EXCERPT FROM AUGUST 26, 2019
WORKSESSION MINUTES

ORDINANCE AMENDING THE PUBLIC DANCE ORDINANCE TO THE ENTERTAINMENT ORDINANCE

Dr. Edwards reviewed a proposed amendment to the Public Dance Ordinance, which is proposed by a committee of City Staff that worked on this issue. He added the intent is to focus on anti-social behaviors that result in police calls rather than the type of establishment or its operations. He stressed the importance of regulatory policies for mitigating or preventing behaviors. He noted it is assumed that regulating liquor from 1:00 a.m. – 2:00 a.m. would not be sufficient enforcement given the diversity of police calls that are received.

Police Chief Tim Gannon stated there were less of the same types of calls from 2017-18. He added those figures could be provided to the City Council/EDA.

Councilmember/Commissioner Graves stated she is pleased with the recommendation, as it complements the liquor ordinance amendment. She asked whether the new Ordinance will incorporate both live music and public dance.

Mr. Boganey stated the City has a dance permit license process, and under the Zoning Ordinance, anyone providing live entertainment needs a special use permit. He added the intent is to have one process.

Councilmember/Commissioner Butler stated she supports moving forward with City Staff's suggestions. Councilmember/Commissioner Ryan agreed. Councilmember/Commissioner Lawrence-Anderson agreed.

Mayor/President Elliott stressed the importance of considering nearby residents and neighborhoods due to noise.

~~PUBLIC DANCING~~ ENTERTAINMENT

Section 23-301. LICENSE REQUIRED. Any business that holds three or more "entertainment" events per calendar year, as defined under Section 23-302 (Definitions) below, shall obtain an Entertainment License. Licenses shall be issued for one (1) year period expiring December 31. ~~No person shall conduct or permit public dancing in any public establishment within which intoxicating liquor or 3.2 percent malt liquor is licensed to be sold or consumed unless a public dance license shall have been issued by the City Council. Licenses shall be issued for one (1) year periods expiring December 31. The annual fee for a public dance license shall be as set forth by City Council resolution.~~

Section 23-302. ~~APPLICATIONS FOR LICENSE. Applications for a public dance license shall be made to the City Clerk upon forms furnished by the City. The application shall include a drawing illustrating the area of the premises to be devoted to public dancing and a written statement describing the maximum dancers to be accommodated, the hours during which public dancing will be conducted, and the intended methods of controlling sound emissions from the licensed premises.~~DEFINITIONS. Except as may otherwise be provided or implied by context, all terms shall be given their commonly accepted definitions. For Sections 23-301 through 23-309, the following definitions shall apply unless the context indicated or requires a different meaning:

1. *Applicant,* means an individual the license is sought for or in the same name of a corporation or partnership.

2. *Background music,* means soft music intended as an unobtrusive accompaniment to some activity, such as dining in a restaurant.

3. *Entertainment*, means music either live performances or recorded music, singing, dancing either by the public or performers, concerts, or any the deliberate act intended to amuse or entertain patrons and employees.

4. *Jukebox,* means a machine that automatically plays a selected musical recording when a form of money is inserted into the machine.

5. *License Settlement Conference*, means a meeting between the license holder, City Designees as approved by the City Manager to discuss strategies for reducing police calls and increasing public safety.

6. *Live performances music,* means performance in front of an audience. The performance may be a single musician, or by a band.

7. *Recorded music,* means the play, use, or operation of any radio, tape or disc player, or other machine or device for the production or amplification of sound.

8. *Premise,* used in this Chapter, shall mean the inside of the building or the leased space inside a building as shown on the plan submitted to the City Manager's designee with the

original license. Outside areas, such as patios or parking lots, shall not be included in the definition of "premises" unless specifically listed on the license or special permission is obtained in writing from the City for a limited period of time under certain conditions.

Section 23-303. ~~PENALTY. Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars ($1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.~~ APPLICATION FOR LICENSE. Any person desiring a license to provide entertainment shall apply to the City Clerk for a license to do so, upon forms supplied by the City Clerk. The form shall require that the following information be set forth upon the application:

1. The full name of the applicant, date of birth, and current residential address.

2. The full name, date of birth, and address of the owner or proprietor of the building for which a license is desired.

3. The applicants' social security number, Federal ID Number, and Minnesota business identification number, as required by Minnesota Statutes Section 270.72.

4. (1) A scaled floor plan showing the interior layout, including any dance floor(s), and (2) a site plan showing the location of the building or buildings, parking layout, any outdoor seating or patio, and the part or portion thereof intended to be used in the conduct of such business and under such license.

5. The full name(s), date(s) of birth, residential address(es) of all partners or persons interested therein, including the on-site manager of the business; if a corporation, the state of incorporation; the name(s), place(s) and date(s) of birth of all officers, directors and stockholders controlling at least ten (10) percent of the outstanding shares issued.

The application shall be signed by the applicant and, if the applicant is a corporation, by an officer of the corporation who shall agree to comply with all the ordinances of the city relating to the business of providing entertainment. They shall file the application, the license fee, scaled floor planm site plan, together with the consent of property owners or tenants as from now on provided.

If the applicant is tenant, a written letter of approval from the property owner must accompany the application or the renewal documents.

Section 23-304. FEE. The annual fees for an Entertainment license are outlined in the City's Fee Schedule.

Section 23-305. APPROVAL OF LICENSES AND PERMITS BY CITY COUNCIL. All licenses and permits shall be subject to review and approval by the City Council.

Section 23-306. CONDITIONS OF ENTERTAINMENT LICENSE. All Entertainment licenses shall be granted subject to the following conditions and any other applicable ordinances of the City:

1) Zoning: The establishment and associated use must comply with the Zoning Code.

2) Public Nuisance and Petty Offenses: The licensed premises must comply with Chapter 19 - Public Nuisance and Petty Offense of the Brooklyn Center City Code.

3) Permitting Occupancy to Exceed the Limits Permitted under the Uniform Fire Code (overcrowding): Licensees are bound to prevent situations in which the licensed premises become overcrowded. Each establishment must display the maximum occupancy limit for the licensed premise, and the maximum limit shall not be exceeded.

4) Building Standards: The licensed premise must comply with the building standards including, but not limited to ADA accessibility for stages, dance floors, and ingress, and egress provisions.

5) Parking Limitations: The licensed premise shall comply with Zoning Code, Uniform Fire Code, and Building Code requirements including but not limited to no blocking of emergency access lanes; No blocking of fire hydrants; and sufficient parking shall be provided as identified within the Zoning Code. As available on-site parking accommodations may not correlate to maximum building occupancy limits, the applicant is responsible for ensuring that building occupancy does not exceed available parking. If there are parking agreements with neighboring properties, the agreements must be in writing and provided at the time of application or renewal.

6) Police Calls: Licensed premises cannot create a disproportional number of police calls relative to other like establishments. The type of police calls to include the seriousness of the call, as well as the volume of calls will be evaluated throughout the license period. If the police calls become disproportionate to other licensed businesses due to the number or seriousness of the police calls, the City will conduct a License Settlement Conference with the licensee. The purpose of that meeting is to discuss strategies for reducing police calls and increasing public safety. A mitigation plan will be developed and implemented. If that plan is neither followed nor successful, a review of the license may be requested, and forwarded to the City Council for license action.

7) Noise or Sound: Sound that causes alarm or disturbs others should not be audible from the premise after 10 p.m.

Failure of an Entertainment License premise to comply with the requirements applicable to the license, and any additional conditions issued by the City Council, or a correction order issued by

the City shall constitute sufficient grounds for the revocation, suspension, or nonrenewal of the Entertainment License.

Section 23-307. DENIAL, REVOCATION OR NON-RENEWAL OF LICENSE APPLICATION

An application for a license hereunder may be denied, and a license may be revoked, after notice and opportunity for hearing thereon, for any of the following reasons:

1. The application contains material omissions or false, fraudulent or deceptive statements.
2. The premises are operated in such a manner as to be a public nuisance as provided by this Code or by Minnesota Statutes, Sections 609.74 and 609.745.
3. The applicant is not in compliance with one (1) or more of the provisions of this ordinance.
4. The proposed operation or use violates any federal, state or local law or ordinance including, but not limited to, any law relating to zoning, building maintenance, fire prevention, health or safety.
5. Filing a completed application within sixty (60) days of the submission of a partial application.
6. The applicant, including any partners, officers, shareholders, or on-site manager, if applicable, owes outstanding administrative fees imposed for Code violations.
7. Failure to comply with the conditions outlined in 23-306.

Section 23-308. PENALTY. Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars ($1,000). The City Council shall establish as part of the City's fee schedule the presumptive civil penalties applicable to violations, including multiple violations within a certain period of time. The City shall provide the licensee notice and an opportunity to be heard by the City Council prior to imposing a civil penalty. The civil penalties in the fee schedule are the presumed sanctions for a violation and failure to pay any civil penalty imposed is grounds for suspension or revocation of the license.

Article II. Amendment to Zoning Code C2 Commerce District

Section 35-322. C2 COMMERCE DISTRICT.

1. Permitted Uses

   b. Eating establishments, ~~provided they do not offer live entertainment and further~~ provided that the category does not permit drive-in eating places and convenience-food restaurants.

3. Special Uses

   d. ~~Eating establishments offering live entertainment; r~~Recreation and amusement places such as motion picture theaterts and legitmate theater; sports arenas, bowling alleys, skating rinks, and gymnasiums, all provided they do not abut an R1, R2, or R3 district, including abutment at a street line.

MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Curt Boganey

SUBJECT: Findings of Council Retreat & Recommendations

Recommendation:

- Receive and review the final report from Common Sense Consulting. Receive and review recommendations by Common Sense Consulting. Direct staff regarding actions in response to those recommendation

Background:

In January 2019, the Council discussed development areas of interest to the Council and the various formats for development such as retreats and presentations. The Council deliberated on many topic areas, including professional development, leadership skills development, strategic direction, hot topics, team building, etc. The Council reached consensus of participating in a retreat to further develop some of the areas of interest.

Staff issued a Request for Proposal (RFP) for consultants who may facilitate a full day and a half-day retreat over a weekend at the Earle Brown Heritage Center. There were a total of five consultants who responded to the RFP, which staff and the Council reviewed.

Common Sense Consulting, were selected to lead the Council Retreat with a focus on Council members gaining a better understanding of each other and team building based upon differences.

The Council participated in at three-part retreat. The first retreat was hosted on August 16th and included the Council and members of the Management Team. The second retreat was held August 17th with the City Council members, City Attorney, City Manager and Deputy City Manager in attendance.. The third and final retreat was held on September 7th, where the consultants worked more deeply with the Council members, City Attorney, City Manager and Deputy City Manager.

Following the retreat the City Manager, Deputy City Manager and representatives of Common Sense debriefed the retreat and reviewed the final report produced by Common Sense. The final report includes the following elements: Overview, Objectives Stated & Outcomes Accomplished, New Norms, Transformative Retreat Highlights, and Recommendations and Resources.

Included is the final report with the Common Sense recommendations to the Council for review and further direction regarding those recommendations. Questions to be considered.

~ Is there a consensus among the Council Receive to receive the final report and recommendations from Common Sense Consulting?

~ Is there a consensus among the Council regarding direction to staff pertaining to actions in response to those recommendation?

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Final Report and Proposal Costs	10/10/2019	Cover Memo

commonsense
consulting@work
Experience that Works

City of Brooklyn Center
CommonSense Consulting@Work
Retreat & Consulting Report

Overview

In response to the expressed needs of the City of Brooklyn Center, CommonSense Consulting@Work (CSC) designed and facilitated a series of three retreats for the City Council (Council) and Management Team (Management). The express purpose was to build team unity and deepen the Council and Management members of what is needed to share a cohesive story of the City. Each retreat was designed and facilitated as an interactive workshop, incorporating self-reflective and foundational exercises. In addition to retreat facilitation, CommonSense Consulting@Work offered individual interviews to each of the Councilmembers and City Leaders to hear from their various perspectives and incorporate their feedback into the retreat.

The first retreat was hosted on August 16th and included the Council and members of the Management Team. The second retreat was held the following day, August 17th. Only the City Councilmembers, City Attorney, City Manager and Assistant City Manager attended; the Management Team did not attend. Following this retreat, CommonSense Consulting@Work sent a survey out to the Councilmembers and conducted several brief meetings with the City Manager & Assistant City Manager. The third and final retreat was held on September 7th, where we worked more deeply with the Councilmembers, City Lawyer, City Manager and Assistant City Manager.

CommonSense Consulting@Work recognizes specific ways the retreat design fulfilled the goals of the initial RFP, yet believe it also responded to several additional and underlying issues that were not initially identified. These issues were inhibiting Council engagement and performance. As the interviews and retreats were conducted, it was made clear that there were pre-existing beliefs and assumptions that slowed the Council's ability to make timely decisions using a process that did not cause frustration and rework. Through our systematic approach, the Councilmembers reflections revealed significant breakthrough in group dynamics, restructuring norms and made an agreement to seek collective resolution. This report gives insight into how our objectives were accomplished.

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New Norms

The following ***Simple Rules*** were collaboratively designed and agreed upon by Councilmembers, along with the City Attorney, City Council Manager and Assistant City Council Manager:

1. When each Councilmember expresses passion at a meeting, we agree to recognize that "It is obvious we all care about this issue".
2. We agree to not get hung up on the 'fine print'.
3. When there is a roadblock or disagreement we will ask "How can we get to the same place?"
4. When we need to redirect the conversation, any group member can say "Let's just take a moment to reset."
5. We agree to practice active listening. This includes being willing to vocalize & rephrase until we reach a mutual understanding.
6. We agree to be self-aware of our own body language, seeking to look at the person who is speaking & presenting with respect.
7. We agree to explain actions that may cause offense (e.g. if there is a circumstance when you need to look at your phone, it can be addressed instead of appearing to be a microaggression).
8. We agree to use language, tone of voice and actions that are supportive.
9. We seek to have the courage to reset when needed.
10. We agree to recognize our own behavior and will seek to not be offended if asked to reset.
11. We agree to ask, don't tell.
12. We agree to take responsibility to express our thoughts, not waiting to be sought out if we have something to say.
13. We agree to set aside our personal agendas work as a team for what's best for the City.
14. We agree that any group member may make a call for consensus and express when they believe the same points are being repeated: "Here are the points I have heard [list points] are there any more that need to be said? What am I missing?"
15. We agree that it is best to ask for consensus about breaks and that any council member may request a break.
16. We agree to do a time check and be willing to continue the conversation "Do we have time to continue this discussion? Can it wait or should it be addressed now?"
17. We agree to build relationships within the council.
18. We agree to authentically curious.
19. We agree to be willing to advocate for ideas outside of our own agenda.

Transformative Retreat Highlights

This section identifies some of the core training concepts and models that we specifically tailored for this group to be the most effective approach to accomplishing the stated objectives. *Although many of these models are adapted from other sources (see source list below) the strategy and use to these resources as a training is confidential. We ask that you only share the following information with those who physically attended our sessions.

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- Too logical and unfeeling
- Uncomfortable with emotional arguments

3) Collective Mindset Model

This model emphasizes how groups must seek to align their mindset with their reality, at the city of Brooklyn Center this is elevating the mindset toward "You and I" and eventually into the "We" collective thinking. The City of Brooklyn Center Council Culture identified as being in a 'Transitional' reality.

REALITY	Mono-Cultural	Transitional	Multi-Cultural
MINDSET	**"Us vs. Them"**	**"You and I"**	**"We"**

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4) Micro-inequities and Micro-affirmations

Personal and Council examples were used to identify and shift

- Micro-inequity: a cumulative pattern of subtle, semi-conscious, devaluing messages which discourage and impair performance to a certain group of individuals because of their group membership. Acts of exclusion that blocks contributions and performance of others and/or contributes to details missing that matter, e.g. culture, perspectives and identities.
- Micro-affirmation - a cumulative pattern of subtle, semi-conscious valuing messages which encourage and enhance performance.

Source: Original micro-aggressions research conducted by Chester Pierce

5) DESC Model of Confrontation & Resolution

May be used to bring up confrontational conversations and move to resolution. It was agreed that this model can be used to address issues that arise in the council without letting frustration fester.

Describe	**The situation, the problem, the behavior (WHAT)**
Express	**The impact or importance (WHY)**
Seek/Specify	**Alternative solutions/options to minimize impact and ensure future success. (HOW)**
Consensus	**A statement about how the solution will affect the future.**

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Recommendations

** As a consulting firm that values the evolution of equity practices in every sector of society, our recommendations are designed to foster best practice in your agency regarding diversity & inclusion. They may not be directly responding to your proposal or the retreat, but recommendations we would give in light of our time spent with your agency.*

1) Individual coaching for the newest member of the council.
2) Continue increasing innovation on how information is gathered from the broader community or diverse communities within the City of Brooklyn Center.
    - Seek out and show respect for the leaders of minority communities. Identify leaders and ask what they will need to have 'buy in' to the decision-making process (Somali, Hmong, Native American).
    - Choose neutral meeting locations. Leverage our partnership with the schools, religious centers, community orgs to host community conversations and ensure the contributions are considered "official" by city standards.
    - Select neutral facilitators Partner with local organizations, school administrators or third-party groups, to have neutral administrators
2) CSC recommends that each member complete the Intercultural Development Inventory Assessment (IDI) and attend a coaching session with a CSC coach. At the coaching session, each member will receive a report that identifies how they may respond when cultural differences are present. Additionally, the plan provides each member with up to 18 months of organized recommendations
3) A meeting with the Mayor and City Manager to collaboratively co-create a process to communicate and manage workflow between the Mayor and City Leaders.
4) Develop a process to follow up with the City Manager and Assistant City Manager and Council 90 days to 6 months after the retreat to determine if additional support by CSC is needed/required.

Resources

1) IDI Assessment, Coaching and Group Analysis[1]
2) Global Culture Worldview Types[2]
3) Articles:
    a. *"Guardrails for Relationships Tilted by Power: How to Keep Everyone on the Road by* Non-Profit Quarterly"[3]
    b. *"The Role of Empathy" by Heather Hiscox*[4]

[1] https://idiinventory.com
[2] http://honorshame.com/data-global-culture-types/
[3] https://nonprofitquarterly.org/
[4] https://pauseforchange.com/insights/f/the-role-of-empathy-and-experimentation-in-collaboration

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Curt Boganey

From: Alisha Olsen <alisha@cscworks.com>
Sent: Monday, October 7, 2019 6:42 PM
To: Reggie Edwards; Curt Boganey
Cc: Janice Downing
Subject: Follow-Up and Operationalizing with CSC

Hi Curt & Reggie

Thank you for taking time to debrief with us today. It was very helpful to better understand the power dynamics that are getting in the way of the Council operating as a team. As requested, here is our recommendation to resolve this, as well as the investment. After discussing with Janice, we believe it would be most effective for the council to implement all of the recommendations in a series of follow up meetings, as expressed below:

Recommendations	Total Hours	Investment
1) Send the retreat report to the Council		
2) Host 3 (2 hour) facilitated conversations with Mayor & City Manager about power dynamics.	21	$3,570
3) Host 3 (2.5 hour) facilitated conversations with the Mayor & City Council about power dynamics	15	$2,550
4) Facilitate 3 (2.5 hour) working sessions to help operationalize one of the items in the parking lot.	30	$5,100
5) 4-6 Coaching sessions for Mayor*		$4,080
	TOTAL	$11,350
	Total with Coaching	$15,430

*(5) This is a recommendation that was included in the retreat report, but was not discussed in our phone call today. We recommend this action is also approved by the Council.

Please take time to think about this and let us know how you would like to proceed, or if you need more before communicating with the Council on Monday.

Highest regards,

Alisha

Alisha Gelhar
alisha@cscworks.com
www.cscworks.com
(952) 239-8076

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MEMORANDUM - COUNCIL WORK SESSION

DATE: 10/14/2019

TO: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Pending Items

Recommendation:

- Commemoration of 400 years of Slavery Activities
- Police Crisis Prevention Options - 11/25
- Livable Wages - 12/9
- Environmental Policies and Practices - 10/28
- Housing Policy Implementation Plan - 10/28
- Options for Use of Adjacent Space to Liquor Store - 1/27
- Metro Transit Bus - 10/28
- Food Trucks - 1/28
- Use of EDA Owned Property - 11/25
- Rental License Update - 1/28
- Census Update - 1/28
- Discussion of Mayor/City Council roles & responsibilities
- Freeway Park Cemetery MOU - 1/13

Background:

Strategic Priorities and Values:

Operational Excellence