

CHAPTER IV

BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400 - Building code.

400.01. Scope of chapter. The purpose of this chapter is to provide minimum standards to safeguard life and limb, property and public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein. (Amended, Bill No. 1997-6, Sec. 1)

400.03. Adoption of Minnesota State Building Code. Subdivision 1. Building code. The Minnesota State Building Code, as adopted by the commissioner of administration pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the state commissioner of administration, through the building codes and standards division, is adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is incorporated in this chapter as completely as if fully set out herein. (Amended, Bill No. 1997-6; Bill No. 1999 9; Bill No. 2003-18)

Subd. 2. Building Code Optional Chapters. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted by reference and incorporated into this code as if fully set out at this point:

- (a) Chapter 1306, Special Fire Protection Systems, 1306.0020 Subpart 2 existing and new buildings.
- (b) (Repealed Bill No. 2007-15)
- (c) Optional Appendix Chapter J of the 2006 International Building Code.
(Amended, Bill No. 2003-18; Bill No 2007-15)

400.04. Application, Administration and Enforcement. Subdivision 1. The application, administration and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code enforcement agency of the City of Richfield is called the inspections division. This code shall be enforced by the state certified building official designated by the city to administer the code, as provided in this subsection.

Subd. 2. For purposes of this chapter the term “building official” means the chief building official of the inspection division of the department of public safety.

Subd. 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, section 16B.62, subdivision 1. Permit fees will be assessed for work governed by this code in accordance with the schedule contained in appendix D of this code. In addition, a surcharge fee will be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes, section 16B.70. It is unlawful for any person to perform any work regulated by this section without first having obtained a permit to do so, and paid all applicable fees contained in appendix D.

Subd. 4. Completion of Exterior Work.

- (a) Any person altering, repairing, remodeling, or adding to the exterior portion of a single-family dwelling or two-family dwelling, including an attached or detached garage or accessory structure, shall complete all exterior work within one year from the date of issuance of the building permit. Completion of work includes completing the structure and exterior finishes (including but not limited to siding, windows, roofing, driveways, retaining walls, decks and patios).
- (b) If a building is damaged by fire or by other casualty or cause and the roof or exterior finishes are damaged or destroyed, the damaged materials shall be completely restored or replaced with exterior building materials permitted by the Minnesota state building code and this code as soon as reasonably possible, and in any event within 12 months after the damage or destruction.
- (c) In the case of demonstrated hardship due to sources beyond the control of the property owner (including but not limited to extreme weather conditions; reasonably unforeseen shortages of material, equipment or labor; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the building official and upon written appeal filed as soon as the need for an extension becomes known.

Subd. 5. Fee Waiver. The city council may waive the city's portion of building permit and plan review fees chargeable to another political subdivision of the state if the council finds that the action is appropriate by reason of unusual circumstances unique to the particular project involved and that the public interests of the city will be served thereby.

Subd. 6. Violations and Penalties. A violation of this code is a misdemeanor.
(Amended, Bill No. 2003-18):Bill No. 2007-15)

400.05. Plumbing. Subdivision 1. Administrative authority. For purposes of this chapter, the term "administrative authority" as used in the Minnesota plumbing code herein adopted means the building official.

Subd. 2. Permits required. It is unlawful for any person to perform any plumbing work regulated by this code without first having obtained a permit and paid all applicable fees contained in appendix D. Permits required by this section may be issued only to persons duly licensed by the state of Minnesota.

Subd. 3. Fees. There is no fee for licensing of plumbers in the city. No person may practice or engage in the business or trade of plumbing within the city unless such person is the holder of a valid and current license from the state of Minnesota.

Subd. 4. Water softening devices. No person may engage in the business of installing, leasing or servicing water softening devices which shall be connected with, or used in connection with, any water pipe or main connected with the water supply system of the city, or any private domestic water supply therein without being licensed to do so by the state of Minnesota. Installations and connections of water softening devices to any pipe or main connected with the city water system shall comply with applicable provisions of the Minnesota plumbing code.

400.07. License and permit fees, heating and ventilating, air conditioning and refrigeration. Subdivision 1. No person may engage in the business of heating, cooling, ventilating or refrigeration construction or installation unless licensed to do so by the city after demonstration of competency, and submittal of certificates of insurance and a bond in the amount of \$1,000. The annual license fee for heating and ventilating cooling heating, cooling, air conditioning or refrigeration construction and installation is provided in appendix D.

Subd. 2. Permits Required. No person may perform any work regulated by this section without first having obtained a permit to do so and paid the fees set by appendix D.
(Amended, Bill No. 2003-18)

400.09. State electrical license. Subdivision 1. Unless otherwise provided by state law no person may practice or engage in the business or trade of electrical construction and installation within the city unless such person is the holder of a valid and current electrical contractor license from the state.

Subd. 2. Permits Required. Unless otherwise provided by state law no person may perform any electrical work regulated by this code without first having obtained a permit to do so. The fees required for permits issued pursuant to this subsection are contained in appendix D.
(Amended, Bill No. 2003-18)

400.10. Permits to Owners. Notwithstanding the requirements of this section, permits may be issued to persons who own and occupy single family dwellings for work performed within or on said dwellings pursuant to sections 400.05, 400.07, and 400.09. (Amended, Bill No. 2003-18)

400.11. Building and construction permits: issuance and procedure. Subdivision 1. Procedure upon application. The procedure for issuance of building permits shall be as provided in U.B.C in MN Rules 1305. (Amended, Bill No. 1997-6; Bill No. 2007-15)

Subd. 2. Other permits. If any other type of permit is required for a building or structure besides a building permit, such as, for example, an off-street parking permit or a special use permit, the building permit may not be issued until the building official is satisfied that other required permits (i) have already been issued, (ii) will be issued at the same time, or (iii) have been authorized and will be issued.

Subd. 3. Plans and specifications: retention. When a building permit is issued, the building official shall return one set of the plans and specifications to the applicant and one copy shall be kept in the office of the building official as designated in the current records retention schedule.

Subd. 4. Duration of Permit. In addition to the expiration provisions of Minnesota Rules 1300.0120, subpart 11, every permit issued under this section with a permit fee of three thousand dollars or less will expire and become void one year after the date it is issued. In order to renew action on a permit after expiration, the permit holder must pay a new full permit fee. (Amended Bill No. 2007-15)

400.13. Repealed. (Amended, Bill No 2003-18)

400.15. Repealed. (Amended, Bill No. 2003-18)

400.17. Repealed. (Amended, Bill No. 2003-18)

400.18. Sign installer license. Subdivision 1. License required. No person shall engage in the business of erecting signs until licensed by the Inspections Division to do so. No such license shall be required for the erection of signs exempt from sign construction permits. (Added, Bill No. 2007-24)

Subd. 2. Application. Application for a sign installer's license shall be made to the Inspections Division upon such forms as required by the city. The license fee in the amount hereafter provided shall accompany the application.

Subd. 3. License fee. The fee for a sign installer's license shall be in the amount provided for in Appendix D of this code.

Subd. 4. License period. The licenses issued under this subdivision shall be valid for an annual period running from January 1 through December 31.

Subd. 5. Bond. No permit shall be issued until the licensee has filed with the city clerk a bond with corporate surety in the sum of \$1000. The bond shall guarantee that the licensee will fully and faithfully comply with the provisions of this ordinance and other applicable city ordinances.

Subd. 6. Revocation of non-renewal of license. The sign installer's license may be revoked or not renewed for any violation of the requirements of this code. The decision to revoke or not renew a license may be made by the city after notice to the licensee and a reasonable opportunity for the licensee to be heard.

400.19. Numbering of houses and buildings: numbers required. Each owner and each and every occupant of a house or commercial building in the city shall place on the front of each such house or building, suitable house or building numbers, large enough to be read from the street upon which said house or commercial building faces. Each house and commercial building shall be numbered in accordance with the instructions of the building official. The building official shall use the formula of two numbers for each 25 feet of frontage.

400.21 Fire prevention code: adoption of fire prevention code. The Minnesota State Fire Code, as adopted by the state commissioner of public safety, is hereby adopted by reference as though fully set out in this subsection, with the following amendments:

- (a) (Repealed; Bill No. 2007-15)
- (b) Section 308 of the International Fire Code is retained in its entirety.
- (c) (Repealed; Bill No. 2007-15)
- (d) Appendix chapters B, C and D of the International Fire Code are adopted by reference as though fully set out in this subsection.

Subsections 400.21 to 400.37 are the fire prevention code of the city. (Amended, Bill No. 1997-7; Bill No. 1999-9; Bill No. 2003 -18) This ordinance shall be effective in accordance with Section 3.06 of the Richfield City Charter

400.23. Fire department: duties. The fire prevention code is enforced by the fire department under the supervision and direction of the fire chief who is the enforcement officer. The officer or officers specifically in charge of the administration of this code shall be known as the fire marshal or marshals and shall be given authority for this purpose by the fire chief. The fire chief may detail such members of the fire department as inspectors, working under the fire marshal or marshals as shall from time to time be deemed necessary. The fire chief may recommend to the manager the employment of technical inspectors who, when such authorization is made, shall be selected to assist the fire marshal or marshals. In addition to the fire marshal or fire marshals, the fire prevention code may also be enforced by the building official whenever appropriate and after consultation with the fire marshal or marshals. A report by the fire marshal shall be made annually and transmitted to the manager; it shall contain all proceedings under this section, with such statistics as the fire chief may wish to include therein; the fire chief shall also recommend any amendments to the code which, in the chief's judgment, shall be desirable. (Amended, Bill No. 2003-18)

400.25. Prohibition of storage of flammable liquids outside above ground tanks, bulk storage of liquified petroleum gases, and storage of explosives and blasting agents. The storage of the substances defined in chapters 33, 34 and 38 of the International Fire Code in the manner described therein, is prohibited within the city. (Amended, Bill No. 1997-7; Bill No. 1999-9; Bill No. 2003-18)

400.27. Repealed. (Amended, Bill No. 2003-18)

400.29. Permit fee. The annual fee for any permit required under the provisions of this section are as provided in appendix D. The permit fee shall be paid to the clerk, and shall not be prorated for any portion of a year. Permits are issued on a calendar year basis.

400.31. Establishment of fire lanes. Subdivision 1. Orders establishing fire lanes. The fire department is authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be obstructed. (Amended, Bill No. 2003-18)

Subd. 2. Signs and marking of fire lanes. When a fire lane has been ordered to be established pursuant to subdivision 1, it shall be marked by a sign bearing the words "No Parking - Fire Lane" or a similar message. When the fire lane is on public property or a public right-of-way, the sign or signs shall be erected by the city, and when on private property, they shall be erected by the owner at the owner's own expense.

Subd. 3. Parking or otherwise obstructing prohibited. After a sign or signs have been erected in accordance with subdivision 2, no person may park a vehicle or otherwise occupy or obstruct the fire lane.

400.33. Other prohibited acts. Subdivision 1. Protection of fire hoses. No person may drive any vehicle over a fire hose, except on specific orders from a member of the police or fire departments of the city, and then only with due caution. (Amended, Bill No. 2003-18)

Subd. 2. Parking near fire equipment. No person may park any vehicle or place any material or other obstruction within 20 feet of the entrance to any fire station or within 10 feet of any fire hydrant, or park any vehicle within 300 feet of a place where a fire requiring fire fighting by the fire department is in progress. (Amended, Bill No. 2003-18)

400.35. Imminent hazards. Whenever the enforcement officer determines that there has been a violation of any one or more provisions to which this section applies, and further finds (i) that by reason of such violation it presents an imminent and serious hazard to public health, or to the physical and mental health of the occupants therein, and (ii) that the repairs or improvements required to remove such hazards do not appear reasonably possible within a time which will be adequate to eliminate such imminent hazard, the enforcement officer shall follow the procedures contained in section 320. (Amended, Bill No. 1995-6)

400.37. (Repealed, Bill No. 2007-8)

Section 405 - Housing code.
(Amended, Bill No. 2002-3, Sections 1-17)

405.00. Purpose and policy. The purpose of this section, which will be known as the housing maintenance code, is to protect the public health, safety and welfare. This section a) sets minimum standards for basic equipment and facilities, light, ventilation and heating, and minimum space, use and location requirements; b) determines the responsibilities of owners, operators, and residents of dwellings; and c) provides for enforcement and penalties.

405.03. Application of section. This section applies to all dwellings, dwelling units, rooming units, rooming houses, and temporary housing located within the city.

405.04. Conflict of provisions. Subdivision 1. Other city code sections. In any case where a provision of this section is found to be in conflict with any other provisions of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people will prevail.

Subd. 2. Minnesota state statutes. Nothing in this section is intended to modify or abrogate the rights of tenants or landlords granted by Minnesota Statutes, chapter 504B. The director of public safety may designate, subject to city council approval, administrators to carry out the duties assigned by the court pursuant to said statute.

405.05. Definitions. Subdivision 1. The terms defined in this subsection have the meanings given them.

Subd. 2. "Basement" means a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Subd. 3. "Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined is not a dwelling.

Subd. 4. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Subd. 5. "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Subd. 6. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Subd. 7. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

Subd. 8. "Enforcement officer" means the director of public safety or the director's designee.

Subd. 9. "Infestation" means the presence, within or around a dwelling, of any insects, rodents, or other pests.

Subd. 10. "Multiple dwelling" means any dwelling containing more than two dwelling units.

Subd. 11. "Operator" means any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Subd. 12. "Owner" means any person who, alone or jointly or severally with others:

(a) has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, survivor of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person representing the actual owner is bound by the provisions of this section and by any rules and regulations adopted under this section to the same extent as the owner.

Subd. 13. "Plumbing" means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath-tubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water or sewer lines.

Subd. 14. "Resident" means any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

Subd. 15. "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping but not for cooking or eating purposes.

Subd. 16. "Rooming house" means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Subd. 17. "Rubbish" means combustible and noncombustible waste materials, except garbage; and the term includes the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Subd. 18. "Supplied" means paid for, furnished, or provided by or under the control of the owner or operator.

Subd. 19. "Temporary housing" means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

405.07 Enforcement. Subdivision 1. Inspections.

(a) Generally. The enforcement officer is authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, rooming houses, and temporary housing located within the city in order to safeguard the health and safety of the residents of dwellings and of the general public. For the purpose of making such inspections, the enforcement officer may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, rooming houses and temporary housing after obtaining consent from the resident of the premises or after the owner has given the resident reasonable prior notice of the inspection. If there is probable cause to believe that an emergency or a serious health and safety issue exists, the enforcement officer may inspect without notice to or consent from the owner, manager or resident.

(b) Resident to give access to owner or operator. Upon receiving reasonable prior notice, every resident of a dwelling or dwelling unit must give the owner, or the owner's agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making repairs or alterations as are necessary to bring the dwelling into compliance with this section or with any rule or regulation adopted under subdivision 4 of this subsection.

(c) Search warrant. If consent is refused and if there is probable cause to believe a violation exists within the particular structure, a search warrant may be obtained. No warrant is needed for entry where an emergency condition or serious health and safety issue exists and insufficient time is available to obtain a warrant and protect persons or property.

(d) Entry under this section is subject to Minnesota Statutes, section 504B.211.

Subd. 2. Violations.

(a) Notice. If a violation of this section has occurred, or the enforcement officer has reasonable grounds to believe that a violation has occurred, notice will be given to the licensee, or if there is no license, to the owner, operator, or resident of the premises. Notice of the violation must be in writing and sent by United States mail to the last known address of such person. The mailed notice will give the licensee, owner, or operator a specified number of days, up to 30 days to correct the violation. The enforcement officer has the authority to extend the time period to correct a violation if, in the discretion of the enforcement officer, good cause has been shown.

(b) Appeal. A licensee of a rental property or an owner or resident of a non-rental property may appeal a determination that a violation of this section exists. The licensee, owner, or resident must submit a written request for an appeal to the director of public safety within ten days after receiving a notice of violation under paragraph (a). A request for an appeal must be based on a claim that the true intent of this section or rule adopted hereunder have been incorrectly interpreted; that the provisions of this section do not apply, that the requirements of this section are adequately satisfied by other means, or that strict application of a requirement under this section would cause undue hardship. A hearing will be held within 20 days after the director of public safety receives the written request for an appeal. The director of public safety will act as the hearing official and will consider all relevant evidence, documents, and verbal presentations submitted during the hearing by both the licensee, owner, or resident and the building official. The director of public safety will issue a written decision to the appealing party and the building official within ten days of the hearing. (Amended, Bill No. 2007-25)

(c) Penalty. If a notice of violation has been given to the licensee under paragraph (a) and the violation has not been corrected within the number of days specified in the notice, the licensee may not let dwelling units then vacant, or which become vacant, until all violations within the same dwelling have been corrected.

Subd. 3. Prosecution and reinspection fee.

(a) Prosecution for any violation of this section will not be commenced unless notice under subdivision 2 of this subsection has been mailed and the violation has not been remedied within the time specified to correct the violation or within the time granted under any extension of such period. Failure to receive notice is not a defense in any prosecution under this section.

(b) A fee, as set in appendix D of this code, will be charged for all reinspections required because of violations that are not corrected either by the time specified in the notice of violation or by the expiration of the extension granted by the enforcement officer.

Subd. 4. Adoption of rules and regulations by the enforcement officer. The enforcement officer may make and adopt written rules and regulations as are necessary for the proper enforcement of the provisions of this section provided that the rules and regulations are not in conflict with the provisions of this section, this code or any other applicable law. The enforcement officer will file a certified copy of the rules and regulations with the city clerk. The rules and regulations will have the same force and effect as the provisions of this section, and the penalty for violation thereof will be the same as the penalty for violation of the provisions of this section.

Subd. 5. Approval by council. Prior to the adoption of rules and regulations pursuant to subdivision 4, the city council must approve the proposed rules or regulations.

405.09. Minimum standards for basic equipment and facilities. Subdivision 1. General rule. No person may occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of this subsection.

Subd. 2. Kitchen sink. Every dwelling unit must contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the enforcement officer.

Subd. 3. Flush toilet. Every dwelling unit except as otherwise permitted under subdivision 5 must contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the enforcement officer. A dwelling unit must contain one room meeting the requirements of this subdivision for each four sleeping rooms (as defined in subsection 405.15 of this code). (Amended, Bill No. 2007-25)

Subd. 4. Bath. Every dwelling unit except as otherwise permitted under subdivision 5 must contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the enforcement officer.

Subd. 5. Shared facilities. The residents of not more than two dwelling units may share a single flush water closet, a single lavatory basin and a single bathtub or shower if:

(a) neither of the two dwelling units contains more than two rooms; provided that, for the purposes of this subdivision, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area will not be counted as a room; and

(b) the habitable area of each of the dwelling units equals not more than 250 square feet of floor area; and

(c) the water closet, lavatory basin and bathtub or shower must be in good working condition and properly connected to a water and sewer system approved by the enforcement officer.

Subd. 6. Connections. Every kitchen sink, lavatory basin and bathtub or shower required under the above provisions must be properly connected with both hot and cold water lines and in good working condition.

Subd. 7. Rubbish storage. Every dwelling must be supplied with adequate rubbish storage facilities, the type and location of which are approved by the enforcement officer.

Subd. 8. Garbage disposal. Every dwelling must be supplied with adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the enforcement officer.

Subd. 9. Water heating. Every dwelling must have supplied water-heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under the provisions of subdivision 6, and capable of heating water to such a temperature as to permit an adequate amount of hot water to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower. The supplied water-heating facilities must be capable of meeting the requirements of this subdivision when the dwelling or dwelling unit heating facilities required under subsection 405.11 are not in operation.

Subd. 10. Egress. Every dwelling unit must have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and this code.

405.11. Minimum standards for light, ventilation and heating. Subdivision 1. General rule. No person may occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this subsection.

Subd. 2. Windows, air and light. Every habitable room must have at least one window or skylight facing directly to the outdoors. The minimum total window glazed area for every habitable room is eight percent of the floor area of such room. Whenever walls or other portions of structures face a window of any room and the light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window is not deemed to face directly to the outdoors and will not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight must equal at least 15 percent of the total floor area of such room.

Subd. 3. Windows: specifications. Every habitable room must have at least one window or skylight which can easily be opened, or other device which will adequately ventilate the room. The total of openable window area in every habitable room must be equal to at least 45 percent of the minimum window area size or minimum skylight-type window size, as required by subdivision 2, except where there is supplied some other device affording adequate ventilation and approved by the enforcement officer.

Subd. 4. Bath: windows. Every bathroom and water closet compartment must comply with the light and ventilation requirements of habitable rooms contained in subdivisions 1 and 2, except that no window or skylight is required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the enforcement officer.

Subd. 5. Electrical outlets. Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling must contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall must contain at least one supplied ceiling or wall-type electric light fixture. Every outlet and fixture must be properly installed, maintained in good and safe working condition, and connected to the source of electric power in a safe manner.

Subd. 6. Heating. Every dwelling must have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit, at a distance three feet above floor level.

Subd. 7. Stairways: lights. Every public hall and stairway in every multiple dwelling containing five or more dwelling units must be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

Subd. 8. Insects: screening. Every window or other device with openings directly from a dwelling unit to outdoor space or used or intended to be used for ventilation must be supplied with screens. This subdivision applies only to apartment houses and rental homes.

Subd. 9. Basements: screens. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, insects or other pests, must be supplied with a screen or such other device as will effectively prevent their entrance.

405.13. Minimum standards for safe and sanitary maintenance of parts of dwellings and dwelling units. Subdivision 1. General rule. It is unlawful to occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this subsection.

Subd. 2. Structure. Foundations, floors, walls, ceilings and roofs must be reasonably weathertight, watertight and rodent proof; capable of affording privacy; and kept in good repair and sound working condition.

Subd. 3. Windows, entries. Windows, exterior doors and basement hatchways must be reasonably weathertight, watertight and rodent proof; and kept in sound working condition and good repair.

Subd. 4. Exterior structures. Inside and outside stairs, porches and appurtenances thereto must be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and kept in sound condition and good repair.

Subd. 5. Plumbing fixtures. Plumbing fixtures and water and waste pipes must be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions and in good repair.

Subd. 6. Water closets, floor surfaces. Water closet compartment floor surfaces and bathroom floor surfaces must be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition and in good repair.

Subd. 7. Supply facilities. Supply facilities, pieces of equipment or utilities which are required under this subsection must be so constructed or installed that they function safely and effectively, and maintained in satisfactory working condition.

Subd. 8. Discontinued or removed facilities. No owner, operator, or resident may cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued from any occupied dwelling let or occupied by that person. A temporary interruption is permissible if it is necessary while actual repairs or alterations are in process, or during temporary emergencies. If the supply of heat is interrupted for more than 24 consecutive hours during the month of November, December, January, February, or March, the property owner, operator or resident must provide an alternative heat source for the unit.

405.15 Minimum space, use and location requirements. Subdivision. 1. Purpose. This regulation aims to set occupancy limits for all housing in the City, both rental and owner occupied. This is necessary to prohibit and deter residence situations that stress the limits of a home, its neighbors and all its building systems by having too many individuals living in a structure that was not intended to handle large numbers of occupants and by preventing negative health impacts on individuals living in overcrowded residences. The City Council finds that over occupancy of residences negatively impacts the health, safety and welfare of the community. (Amended, Bill No. 2007-25)

Subd. 2. General Rule. No person may occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this subsection. The total number of persons occupying the dwelling or dwelling unit must not exceed the maximum requirements established by this subdivision. The maximum number of occupants for any dwelling or dwelling unit shall be determined according to Table 1 below. For purposes of this subsection, a “sleeping room” includes rooms that by design and layout are intended as bedrooms. A “sleeping room” does not include kitchens, bathrooms, hallways, closets or multiple purpose rooms. A multiple purpose room includes a living room, dining room, den or other room that by design or layout is not intended as a bedroom, but that is otherwise habitable. For purposes of this subsection, “occupant” is defined as an individual residing therein.

Table 1:

Room Type	Room Area (in sq. ft.)	Max. No. of Persons
Sleeping room	70 or more but less than 120	1 per room
Sleeping room	120 or more but less than 180	2 per room
Sleeping room	180 or more	3 per room
Multiple purpose room (s)	At least one room 120 or more	2 per dwelling unit

Subd. 3. Minimum Requirements

(a) Minimum Area. Every dwelling unit must have at least one habitable room that must have not less than 120 square feet of gross floor area.

(b) Other Rooms. Other habitable rooms must have a gross floor area of not less than 70 square feet. Kitchens must have not less than 50 square feet of gross floor area.

(c) Minimum Dimensions. Habitable rooms must not be less than seven feet in any horizontal dimension.

(d) Minimum Height. Habitable rooms, hallways, bathrooms, and basements must have a ceiling height of not less than seven feet. Beams may project not more than six inches below the required ceiling height. Not more than 50 percent of the required floor area is permitted to have a sloped ceiling less than seven feet in height with no portion of the required floor area less than five feet in height. The building official may approve a reduced ceiling height for existing buildings.

(e) Minimum Arrangements. No dwelling or dwelling unit containing two or more sleeping rooms may have room arrangements such that access to a bathroom or water closet compartment intended for use by residents of more than one sleeping room can be had only by going through another sleeping room; nor may room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment;

(f) Basement Space. No basement space may be considered a sleeping room unless:

- (1) The room has an emergency escape opening which is maintained in accordance with the code in effect at the time the sleeping room was created. Basement sleeping rooms in existence prior to April 8, 1968 shall have at least one exterior door, or window that complies with the following:
 - (a) provides a minimum net clear opening of not less than 5 square feet with no dimension less than 22 inches; and
 - (b) the sill height is not over 48 inches above the floor.
- (2) The total window in each room is equal to at least the minimum window area sizes as required in subsection 405.11; and
- (3) The total of window area in each room is equal to at least the minimum as required under subsection 405.11, except where there is supplied some other device affording adequate ventilation and approved by the enforcement officer.

Subd. 4. Exception. A child aged two years or younger is not considered a person or occupant for the purposes of calculating maximum occupancy under this subsection.

405.17. Responsibilities of owners and residents.

(a) The owner of a dwelling containing two or more dwelling units is responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) The resident of a dwelling or dwelling unit must keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof occupied and controlled by the resident.

(c) The resident of a dwelling or dwelling unit must dispose of all rubbish and organic waste in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by subsection 405.09, subdivision 8.

(d) The owner must supply garbage disposal facilities or garbage storage containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it is the responsibility of the resident to furnish facilities or containers.

(e) The resident of a dwelling or dwelling unit is responsible for hanging all screens and double or storm doors and windows whenever the same are required under this section or under any rule or regulation adopted under this section, except where the owner has agreed to supply the service.

(f) The resident of a dwelling containing a single dwelling unit is responsible for the extermination of any insects, rodents, or other pests on the premises. In every other case, extermination is the responsibility of the owner. This paragraph does not prohibit the owner from charging the resident of the dwelling unit if the owner deems the resident responsible for the infestation.

(g) The resident of a dwelling unit must keep all plumbing fixtures in a clean and sanitary condition and must exercise reasonable care in their proper use and operation.

405.19. Security devices. Subdivision 1. Purpose. The purpose of this subsection is to require security devices in buildings throughout the city as a safety, burglary and theft prevention measure.

Subd. 2. Definition. A "dead bolt lock" means a locking bolt which, when in the locked position, can only be moved positively by turning a knob, handle, key, sliding bolt, or mechanism activated by working a combination. A lock bolt moved by a skeleton-type key is excluded from this definition.

Subd. 3. Locks required. Dead bolt locks must be installed on all buildings designed for occupancy as living quarters.

Subd. 4. Locks required: certain existing buildings. By January 1, 1973 dead bolt locks shall be installed on (i) each multiple residence unit; (ii) each hotel or motel rental unit; (iii) each nursing home, home for the elderly, patient care home, boarding house or other similar establishment where living quarters are provided; (iv) within any of the foregoing establishments, each unit which is designed for occupancy as an independent living unit. This requirement does not apply to one-family dwelling structures in existence on July 1, 1972.

Subd. 5. Place of installation. Dead bolt locks required to be installed under the provisions of this subsection must be installed on all entrance doors to the particular unit or building involved. Where there is a double door at an entrance, one of which is a storm door, the dead bolt lock must be installed on the year-round door rather than the storm door.

Subd. 6. Persons responsible. The owner and the manager, operator or agent in charge of any building or structure is responsible for compliance with this subsection.

Subd. 7. Security enforcement. The enforcement officer is authorized and directed to administer and enforce the provisions of this subsection and may disapprove dead bolt locking devices that do not meet the requirements of this subsection.

Section 406 – Rooming Houses
(Amended, Bill No. 2002-3, Sec. 18)

406.01. Rooming houses. Subdivision 1. General rule. No person may operate a rooming house or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this section.

Subd. 2. Permit required. No person may operate a rooming house without a valid rooming house permit issued by the enforcement officer in the name of the operator and for the specific dwelling or dwelling unit. The operator must apply to the enforcement officer for the permit, which will be issued by the enforcement officer upon compliance by the operator with the applicable provisions of this section and of any rules and regulations adopted pursuant thereto. This permit must be displayed in a conspicuous place within the rooming house at all times. Permits are not transferable. Every person holding a permit must give notice in writing to the enforcement officer within 24 hours after being sold, transferred, given away, or otherwise disposed of ownership of, interest in or control of any rooming house. The notice must include the name and address of the person succeeding to the ownership or control of the rooming house. Every rooming house permit expires at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

Subd. 3. Appeal of denial of permit. A person whose application for a permit to operate a rooming house has been denied may appeal the denial. A written notice of appeal must be filed with the director of public safety within ten days of the denial of the permit. If a notice is not filed with the director of public safety within ten days of the denial, the council has the discretion to accept or reject the appeal. Appeals under this section will be heard by the city council. At a hearing under this section, the enforcement officer and the applicant may present evidence, including witness testimony, relevant to the permit denial. The council may affirm or reverse the permit denial or issue conditions which must be met before a permit will be issued.

Subd. 4. Notice of violation. Whenever upon inspection of any rooming house the enforcement officer finds that conditions or practices exist which are in violation of any provision of this section or of any rule or regulation adopted pursuant thereto, the enforcement officer will give notice in writing to the operator of such rooming house that unless the conditions or practices are corrected within a reasonable period, to be determined by the enforcement officer, the operator's rooming house permit will be suspended. At the end of the period the enforcement officer will reinspect the rooming house, and if the conditions or practices have not been corrected, notice will be given in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, the operator must immediately cease operation of such rooming house, and no person may occupy for sleeping or living purposes any rooming unit therein.

Subd. 5. Appeal of suspension of permit. A person whose permit to operate a rooming house has been suspended, or who has received notice from the enforcement officer that the permit is to be suspended unless existing conditions or practices at the rooming house are corrected, may appeal the suspension. The appeal will be made in the manner provided in subdivision 3 of this subsection.

Subd. 6. Bathroom requirements. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the enforcement officer and in good working condition, must be supplied for each eight persons residing within a rooming house, including members of the operator's family wherever they share the use of said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. The facilities must be located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower must be supplied with hot water at all times. No facilities may be located in a basement except by written approval of the enforcement officer.

Subd. 7. Sleeping room floor space. Every room intended as a bedroom for one person must contain at least 70 square feet of floor space, and every room intended as a bedroom for more than one person must contain at least 50 square feet of floor space for each resident.

Subd. 8. Egress requirement. Every room unit must have a safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and this city.

Subd. 9. Maintenance. The operator of a rooming house is responsible for the sanitary maintenance of all walls, floors, ceilings, doors and windows and for maintenance of a sanitary condition in every other part of the rooming house; and is responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

Section 407 – Inspection and Licensing of Apartment Houses and Rental Homes

(Amended, Bill No. 2002-3, Sections 19-22)

(Amended, Bill No. 2010-11, subsections 407.03-407.15)

407.00. Purpose. It is the purpose of this section to assure that rental housing in the city is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; and free from unreasonable fears about safety of persons and security of property.

407.03. Definitions. For the purposes of this section the terms defined herein have the following meanings:

(a) "Apartment house" means a building containing three or more dwelling units.

(b) "Dwelling unit" means a room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by persons other than the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner.

(c) "Rental Home" means a one or two-family dwelling which is occupied by persons other than the owner of record, except a parent, sibling or child of the owner of record, regardless of whether rent or other compensation is paid to the owner.

(d) Repelled; 2010-11

(e) "Housing maintenance code" means a subsections 405.01 through 405.19 of this code and also means all other codes and regulations of the City pertaining to the occupancy and habitability of the licensed premises.

(f) Unless a different meaning is intended from the context, all other definitions contained in subsection 405.05, subdivisions 1-19 are incorporated in this section by reference and made a part hereof.

(g) "Owner" or "owner of record" shall have the meaning given in subsection 105.01 Subd. 8, and shall also mean, with respect to all matters involving the making of applications and the giving of notices, the individuals or entities holding legal and equitable title to the premises, or the legally constituted agent designated by the Owner for such purposes.

(h) Director ("director") means the director of community development and also includes any individual designated by the director of community development to carry out the duties and responsibilities assigned to the director under this Chapter.

407.05. License required. It is unlawful for any person who is an owner of an apartment house or an owner of a rental home to operate such apartment house or rental home without first having obtained a

license under the provisions of this section. There are two types of licenses: regular and provisional. Provisional licenses are defined in subsection 407.13. All references to licenses in this section are references to regular licenses, unless otherwise stated. No license shall be required under this Section for Rental Homes which have currently valid licenses from either Hennepin County, or the Minnesota Department of Health permitting such occupancy.

407.07. Licensing procedure. Subdivision 1. Application: contents.

(a) Regular licenses. The application must contain the following information and any other information that the director may require to assess compliance with the housing maintenance code and this section:

- (1) The names, addresses and telephone numbers of the individuals responsible for the maintenance and management of the premises.
- (2) If the applicant is a partnership, the names and addresses of each managing partner.
- (3) If the applicant is a corporation, the names and addresses of the officers.
- (4) The names, addresses and telephone numbers of the individuals responsible for keeping and maintaining the tenant registers.
- (5) If the applicant is an owner of multiple dwellings, multiple apartment houses, or multiple rental homes, the legal address of each dwelling, apartment house or rental home owned by the applicant located within the city of Richfield.

(b) Provisional licenses. An application from a licensee in provisional status under section 407.13 must contain the information required in (a) above and any other information that the director may require to assess compliance with the housing maintenance code and this section:

Subd. 2. Issuance of license.

(a) The director may require the inspection of any premises for which a license is requested. The licensee or applicant must notify the residents of the apartment house or rental home of the inspection and must permit the director to enter upon the premises for the purpose of conducting the inspection to verify compliance with the housing maintenance code.

(b) If the director concludes as a result of the information contained in the application or other available information, including an inspection of the premises, that an apartment house or rental home appears to comply with requirements of the housing maintenance code and this section, the director will issue the license.

(c) If the director concludes as a result of the information contained in the application or other available information, including an inspection of the premises, that an apartment house or rental home is not in compliance with the housing maintenance code and this section the applicant will have a designated time period, to be determined by the director from receipt of notice of noncompliance to correct the defects

specified in the notice, but only if the defects do not create an imminent hazard. The director may authorize additional time for compliance.

(d) From the date that the director has ordered an inspection under paragraph (b), no occupancy of dwelling units then vacant, or which become vacant, is permitted until a license has been issued. Apartment units within an unlicensed apartment house for which a license application has been made and which units are determined by the director to be in compliance with the housing maintenance code may be occupied provided that non-complying units within the apartment house do not create an imminent hazard to the health and safety of persons in occupied units. Such occupancy may continue until a final determination on the granting or denial of the license is taken by the city.

Subd. 3. Denial, suspension, revocation, non-renewal.

(a) The director may revoke, suspend, deny or decline to renew any license issued under this section upon any of the following grounds:

(1) false statements on any application or other information or report required by this section to be given by the applicant or licensee.

(2) failure to pay any application, penalty, reinspection or reinstatement fee required either by this section or city council resolution.

(3) failure to correct deficiencies noted in notices of violation in the time specified in the notice.

(4) Repealed 2010-11

(5) any other violation of this section.

(b) Repealed 2010-11

(c) Regular licenses will be revoked, if at mid term, or not renewed, if at the end of a term, upon a finding that the premises are only eligible for a provisional license as provided in subsection 407.13.

(d) Before a decision to revoke, suspend, deny or not renew a license is made, the director must provide written notice to the applicant or licensee setting forth the alleged grounds for the potential action. Before final action to revoke, suspend, deny or not renew a license is taken, the applicant or licensee may appeal as set forth in subdivision 4 of this subsection. A decision to deny, not renew, suspend or revoke a license may only be made upon written findings. The director may consider the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply.

(e) The director may suspend or revoke a license or not renew a license for part or all of a facility.

(f) Upon a decision to revoke, deny or not renew a license, no new application from the current owner for the same facility will be accepted for a period of time specified in the director's written decision, not exceeding one year. New applications must be accompanied by a reinstatement fee, as specified in appendix D of this code, in addition to all other fees required by this section.

(g) A written decision to revoke, suspend, deny or not renew a license or application will specify the part or parts of the facility to which it applies. Until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied. Revocation, suspension or non-renewal of a license will not excuse the owner from compliance with all terms of this section for as long as any units in the facility are occupied.

(h) Failure to comply with all terms of this section during the term of revocation, suspension or non-renewal is a misdemeanor and grounds for extension of the term of revocation, suspension or continuation of non-renewal of the license.

Subd. 4. Appeal. In any instance where the director has denied, revoked, suspended, or not renewed a license, the applicant or licensee may appeal the decision to the city council by delivering to the city clerk a notice of appeal within ten days of receipt by the applicant or licensee of notice of the decision by the director. The applicant or licensee will be given an opportunity for a hearing before the city council. The decision of the city council or any decision by the director which is not appealed in accordance with this paragraph is deemed a final determination by the city.

Subd. 5. Renewal. The term of a license granted under this subsection is January 1 to December 31. Licenses are renewed annually. As a requirement of renewal of a license, the enforcement officer may direct that all dwellings owned by the licensee be inspected to ensure compliance with the housing maintenance code. The licensee must give notice of the annual inspection to all residents of dwellings owned by the licensee.

Subd. 6. Transfer. A license is transferable upon application to the director, and payment of the license transfer fee by the prospective owner. The license terminates if renewal or application for transfer is not made within 30 days after transfer of ownership of the apartment house or rental home.

407.09. Obligations of licensee. Subdivision 1. Report changes in ownership. The licensee must report to the director any changes in the identity of the owner, including a change in the majority shareholder or shareholders and officers in the case of corporations. The licensee must report a change in ownership at least 30 days after closing.

Subd. 2. Display. Licenses issued under this subsection must be displayed on the premises of the apartment house or rental home, wherever feasible and produced upon demand of a prospective tenant or the director.

Subd. 3. Tenant register. The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home. In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the director of any change of the identity, address or telephone numbers of such persons. The register must be available for inspection by the director at all times.

Subd. 4. Fees. The fees for licenses required by this subsection, as well as any penalties, are in the amounts established in appendix D of this code.

407.11. Penalty. Any person who violates the provisions of this section or who makes a materially false statement in a license application, is guilty of a misdemeanor. The city may enforce the provisions of this section in any court of competent jurisdiction in law or equity.

407.13. Provisional Licenses. Subdivision 1. When required. Unless the director determines otherwise based on exceptional circumstances, licensed apartment houses and rental homes are eligible only for provisional licenses in the following circumstances:

- (a) Failure of licensee to correct inspection orders within 60 days.
- (b) Failure of license to renew rental license by February 15.
- (c) Knowingly operating a rental property without a license.
- (d) Knowingly operating a rental property in violation of the provisions of the housing maintenance code or the zoning regulations of the city, including, without limitation occupancy requirements.

In the event that a provisional license is required during a license year the licensee will be given credit for any regular license fee previously paid for that year.

Subd. 2. Eligibility for regular license.

A provisional licensee will be eligible to apply for a regular license when the circumstances leading to the provisional license have been corrected and maintained so for a period of at least twelve consecutive months.

407.15. Enforcement and administration. Subdivision 1.

(a) The director is responsible for enforcement and administration of this section.

Subd.2. Enforcement actions provided in this section are not exclusive, and the city may take any action with respect to a licensee, a resident, or the licensed premises as is authorized by this code or state law.

Section 408 – Certificate of housing maintenance compliance for single and two family homes
(Amended, Bill No. 2002-3, Sec. 23)

408.01 Subdivision 1. Certificate required.

(a) No single or two family structure or dwelling unit which is a part of a multiple dwelling located within the city may be voluntarily conveyed for consideration by deed or contract for deed after October 1, 1990, unless the person relinquishing ownership or the agent of such person has first applied for and secured a certificate of housing maintenance compliance.

(b) This section does not apply to any apartment house or rental home licensed under section 407 of this code, and has no effect upon the provisions of law or other ordinances related to the issuance of building permits.

Subd. 2. Application and inspection.

(a) Application for the certificate of housing maintenance compliance must be executed upon forms provided by the city and accompanied by the initial fee established in Appendix D of this code.

(b) Upon receipt of a properly executed application the director of public safety will cause an inspection to be made of the premises to ensure the structure is in compliance with applicable provisions of subsections 405.01 through 405.23 of this code (the housing maintenance code).

Subd. 3. Issuance of certificate. If the structure is in compliance with the requirements of the housing maintenance code, a certificate will be issued to the person relinquishing ownership or the agent thereof, stating that the structure has been inspected and is in compliance with the housing maintenance code. During the period of one year following its issuance, a certificate may be accepted by the city in satisfaction of the requirements of this section without the need for a second inspection.

Subd. 4. Appeal. A determination that the structure is not in compliance with the housing maintenance code may be appealed in the manner provided in section 405.05, subdivision 2(b).

Subd. 5. Occupancy prohibited. The person relinquishing ownership or their designated agent must obtain the certificate from the city prior to transfer of ownership. The prospective owner may not occupy the structure prior to issuance of the certificate, except pursuant to subdivision 6.

Subd. 6. Occupancy. A person may be granted permission to occupy a dwelling prior to issuance of the certificate upon the approval of the director of public safety. The approval may be based upon undue hardship or other extraordinary or exceptional circumstances, provided that no such occupancy constitutes an immediate hazard. Approval will not be given until the prospective owner or designated agent has filed on forms supplied by the city, a statement of intent to comply with the housing maintenance code. Compliance dates in the statement of intent to comply will be established by the director of public safety.

The director may also approve occupancy prior to issuance of the certificate if a cash escrow agreement is signed and submitted to the Building Official or designee. The cash escrow agreement must be executed on a form provided by the City and accompanied by the fee established in Appendix D of this code. Failure to make the required corrections by the compliance dates in the statement of intent or within the terms of the cash escrow agreement is a violation of this code and will render void any approval given pursuant to this subdivision. If the City conducts any re-inspections beyond the initial inspection and one follow-up inspection, the applicant for a certificate will be required to pay the re-inspection fee as established in Appendix D of this code. (Amended, Bill No. 2005-15)

Subd. 7. Additional inspections. If following the issuance of a certificate, the city finds by complaint or otherwise that the structure may be maintained in a substandard manner, a new inspection will be required in order to satisfy the requirements of this section.

Subd. 8. No warranty by city. By enacting and undertaking to enforce this section neither the city nor its council, agents or employers warrant or guarantee the safety, fitness or suitability of any dwelling in the city, and any representation to the contrary by any person is a misdemeanor. Purchasers or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare prior to purchase or occupancy of the dwelling, without reliance on this certificate. A warning in substantially the foregoing language will be printed on the face of the certificate.

Subd. 9. Remedies. Any person who violates the provisions of this section, or who makes a knowingly false statement in the application, is guilty of a misdemeanor. In addition, the city may enforce the provisions of this section in any court of competent jurisdiction in law or equity.

Section 410 - Buildings: Redevelopment

410.01. Building and construction permits: conformity with comprehensive plan; redevelopment plans and urban design guidelines. Building permit applications shall contain the information necessary to determine whether the proposed construction will be in conformity with the city comprehensive plan and any redevelopment plans or urban design guidelines applicable to the area in which the proposed construction will be located.

410.03. Review by building official. If the proposed construction lies outside a redevelopment district, is not subject to urban design guidelines, and is, in the opinion of the building official, in conformity with the comprehensive plan of the city, the requirements of this subsection shall be deemed satisfied.

410.05. Review by city manager. Applications for building permits involving construction in redevelopment districts or districts subject to urban design guidelines and applications as to which the building official does not make a finding of conformity with the comprehensive plan shall be processed as provided in this section.

410.07. Review by community development. The application shall be referred to the director of community development department for review. The review shall be based upon the material submitted in the application together with an other information which the director believes will assist in the review.

410.09. Report. Upon the completion of its review, the director shall make a written report of its review to the manager. The report may contain, and shall contain, if requested by the manager, a recommended finding.

410.11. Manager findings. Upon receipt of the written report and not later than 30 days following the date the matter was referred to the community development department the city manager shall make findings concerning the proposed construction. The findings shall contain one of the following conclusions:

(a) the proposed construction is in conformity with the comprehensive plan and any applicable redevelopment plans or urban design guidelines; or

(b) the proposed construction is not in conformity with the comprehensive plan or any applicable redevelopment plans or urban design guidelines; or

(c) the proposed construction is not in conformity with the comprehensive plan or any applicable redevelopment plans or urban design guidelines but such nonconformity will not be likely to jeopardize or adversely affect the orderly planning and development process for the redevelopment district in which the construction will be located.

410.13. Notice of findings. If the manager makes the finding described in subdivision 4 (1) or (c) of subsection 410.11 he shall report that fact to the building official and the requirements of this subsection shall be deemed satisfied. If the city manager makes the finding described in subdivision 4(b) of subsection 410.11, he shall notify the applicant of such determination. The notification shall also inform the applicant of applicant's right to appeal the city manager' decision to the city council and that the applicant has ten days from the date of notification to deliver a written request for an appeal hearing to the city clerk. If no appeal hearing request is made within the time period, the manager's determination shall be final. The building official shall be notified and a building permit may not be issued.

410.15. Appeal to council. Subdivision 1. Hearing: findings. The appeal shall be heard at the first regular council meeting which is at least 14 days following the date of a timely appeal. The council may review the report and recommendations of the director of community development, the building permit application, and the findings of the city manager. The applicant shall be given an opportunity to appear and offer evidence to the council. Within 30 days of the close of the hearing, the council shall make findings which shall:

- (a) sustain the manager's determination; or
- (b) rescind the manager's determination; or
- (c) sustain the manager's decision but place conditions or stipulations upon the construction or upon the use designed to remove adverse impacts upon the orderly planning and redevelopment of the district.

Subd. 2. Action after appeal. The council's findings shall be reported to the building official by the manager. If the finding is as described in subdivision 1, clause (b), the requirements of this subsection shall be deemed satisfied. If the finding is as described in subdivision 1, clause (a), no building permit shall be issued. If the finding is as described in subdivision 1, clause (c) the requirements of this subsection shall be deemed satisfied only if the conditions are met within the time period set by the council.

Section 420 - Swimming pools.

420.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Swimming pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving or recreational bathing, over 24 inches in depth, or with a surface area exceeding 150 square feet. (Amended, Bill No. 1992-9)

Subd. 3. "Private residential swimming pool" or "swimming pool" means a constructed pool which is used, or intended to be used, as a swimming pool in connection with a single family residence, available only to the family of the householder and the private guests of the household. (Amended, Bill No. 1992-9)

Subd. 4. "Public swimming pool" means any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing operated by any person as defined herein, whether he be owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. (Added, Bill No. 1992-9)

Subd. 5. "Director" means the director of public safety. (Amended, Bill No. 1992-9)

Subd. 6. "Construction" includes alteration, addition to, improvement or remodeling. (Amended, Bill No. 1992-9)

Subd. 7. "Health Authority" means the city health administrator or an authorized representative. (Added, Bill No. 1992-9)

420.03. Construction permits. Before work is commenced on the construction of a swimming pool, three sets of identical plans and specifications and pertinent explanatory data shall be submitted to the director for approval relative to design, operation and maintenance insofar as health and safety features are concerned in accordance with this section, as evidenced by a suitable endorsement upon such plans and specifications. Approval by the building official shall not pertain to design for structural stability. The building official shall not issue a permit for a swimming pool until the plans and specifications therefor have been endorsed by the director.

420.05. Application: contents. The application for a permit to construct a swimming pool shall be submitted in such forms and be supported with such information and data, as well as plans, specifications and pertinent explanatory data as required by the director.

420.07. Plans. Plans, specifications and pertinent explanatory data required to be submitted in connection with an application for a permit to construct a swimming pool shall comply with the following requirements and include the following plans and information as well as such other data as may be reasonably requested by the director. The plans shall contain at a minimum the following:

(a) the general layout of the building lot on which the pool is to be located, distances of the pool from the lot lines, water supply systems, buried sewer and sewage disposal systems, utilities (electric, gas, telephone, etc.) or other sources of contamination within 50 feet of the pool and be drawn to a scale of not smaller than one-fourth inch equals one foot, thus indicating all dimensions, including the effective length, width and depth of the pool deck and similar items;

- (b) cross-sectional views of the pool;
- (c) a cross-section of scum gutters or skimmers;
- (d) pipe diagrams showing material and size of all pipes, inlets, outlets, make-up water lines, vacuum lines, waste and discharge lines, circulation and other piping;
- (e) the pool equipment layout, showing filters, their location, pumps, chlorinators, chemical feeders, flow meter gauges, sight glass, strainers, hair and lint interceptors, if one is proposed, the dimensions of filter room, its location, floor drain, sumps and other pertinent information;
- (f) the liquid capacity of the pool;
- (g) the kind, number and size of filters, including the square footage of the filter area in each unit;
- (h) rated capacity of filter in gallons per minute;
- (i) the type, kind and description of chlorinator;
- (j) the type and range of testing equipment, including chlorine; and
- (k) source of water supply.

420.09. Approved plans. Swimming pools, appurtenances, water supply and drainage system and other features shall be constructed in conformity with the approved plans. If deviations from the approved plans are desired a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this section.

420.10. (Added, Bill No. 1992-9) Permits and licenses.

(a) Permits. No permit to construct, alter, remodel or license to operate shall be granted for a public swimming pool unless the pool conforms with the regulations adopted by section 420. The fee for a permit for the construction of a swimming pool is set by appendix D.

(b) Licenses. No person shall operate or maintain a public swimming pool unless they have obtained a license to operate such pool from the licensing section. Such license shall be issued on an annual basis and shall be effective from January 1st through December 31st of each year. The fee for a license of a swimming pool is set by appendix D.

420.11. (Amended, Bill No. 1992-9) Electrical requirements.

(a) All electrical installations provided for, installed and used in conjunction with residential swimming pools shall be in conformance with this code.

(b) No current carrying electrical conductors shall cross residential swimming pools overhead, or be installed underground within 15 feet of such pools, provided that the 15 foot separation shall not apply to wiring to pool lighting or accessories.

(c) All metal fences, enclosures, or railings near or adjacent to residential swimming pools, which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(d) Lighting for the pool shall be directed toward the pool and not toward adjacent property.

420.12. Location. No portion of a swimming pool or appurtenances thereto shall be located at a distance less than 10 feet from any side or rear property line, nor in front of the building line. (Added, Bill No. 1992-9)

420.13. Heaters. Gas fired swimming pool heaters and swimming pool boilers shall bear the American gas association seal of approval. Oil burning equipment shall bear the underwriters' seal of approval.

402.15. Water supply. Water supplies serving swimming pools shall be of a safe sanitary quality or otherwise acceptable to the director. The installation of the pool water supply piping and connection to the source of the supply shall be under the supervision of a licensed plumber.

420.17. Tests. All pool piping and the installation and construction of the pool piping system shall be in accordance with the approved plans. The entire pool piping system shall be tested with an air test of 50 psi and proved tight before covering or concealing.

420.19. Chemical treatment. Gaseous chlorination systems may not be used as a disinfection method of pool water. Residential swimming pools should meet the following standards:

(a) Free chlorine. The free chlorine content should be maintained between five-tenths (0.5) and one (1.0) parts per million. (High-free residual chlorine may be used.)

(b) Alkalinity. The pH level of between seven and one-tenth (7.1) and seven and eight-tenths (7.8) should be maintained. (A higher pH is permitted if high-free residual chlorination is used.)

(c) Bacteriological quality. A sample of swimming pool water shall be considered satisfactory when the total bacteria count at 35 degrees centigrade does not exceed 200 colonies per milliliter and no organism of the E. coli group are present in a 10 milliliter portion or 100 milliliter portion as determined by the membrane filter method. If more than one such sample out of seven collected on different dates is unsatisfactory, the bacterial quality of the pool water will be considered unsatisfactory. Procedures and interpretations relating to bacteriological quality shall be done in accordance with the Standard Methods for the Examination of Water, Sewage and Industrial Waste, 11th Edition (1960).

420.20. (Added, Bill No. 1992-9) General requirements.

(a) All outdoor swimming pools existing and hereafter constructed shall be completely enclosed by a non-climbable fence or wall. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be at least four feet in height and shall be constructed of a minimum number 11 gauge woven wire mesh corrosion-resistant material or other materials approved by the building official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. All fence posts shall be decay or corrosion-resistant. The opening between the bottom of the fence and the ground or other surface shall be not more than four inches.

(b) No person owning or operating an outdoor swimming pool shall use, operate, or allow the use of such swimming pool unless such pool complies with this section.

420.21. (Amended, Bill No. 1992-9) Health and safety.

(a) No person having a communicable disease shall be employed to work at a public swimming pool. All patrons or swimmers suspected of having an infectious disease shall be excluded.

(b) Appropriate facilities shall be provided for the safety of bathers as may be required by the health authority. This shall include lifesaving equipment, safety devices, lifebuoys, lifehooks, first-aid kits, telephone, with adequate staff during swimming periods who are competent in lifesaving and artificial resuscitation. Competent lifeguards shall be on duty during all swimming periods when so ordered by the health officer or when a use fee is charged.

(c) Every swimming pool shall be under the supervision of a capable individual who shall assume the responsibility for compliance with all parts of this section relating to pool operation and maintenance and safety of bathers.

(d) When the swimming pool is not open for use, access to the pool shall be prevented.

(e) Not more than the maximum design bather load shall be permitted in the swimming pool at any one time.

420.22. Inspection. The health authority is authorized to conduct inspections of public swimming pools as it deems necessary to insure compliance with all provisions of this ordinance and shall have right of entry at any reasonable hour to the swimming pool for this purpose. (Added, Bill No. 1992-9)

420.23. Other design and equipment. A swimming pool, the design and equipment of which incorporate features other than those set forth in this section, shall be subject to review and approval of the director in accordance with acceptable standards and in conformance with current public health and safety practices.

420.24. Operation. The pumps, filter, disinfectant and chemical feeders and related appurtenances shall be kept in operation at all times the swimming pool is in use and for such additional periods as needed to keep the pool water clear and of satisfactory bacterial quality. Continuous operation of the recirculation system shall be maintained in swimming pools having a capacity of 200,000 gallons or more during seasons of regular use. (Added, Bill No. 1992-9)

Section 425 - Accessory antennae and towers

425.01. Definitions. Subdivision 1. For the purposes of this section and the zoning code of the city, the terms defined in this subsection have the meanings given them.

Subd. 2. "Antenna" means equipment located on the exterior of or outside of a building or structure used for transmitting or receiving radio, television or telecommunications signals.

Subd. 3. "Tower" means a pole, spire, or structure or any combination thereof to which an antenna is attached including supporting lines, wires and braces.

Subd. 4. "Satellite antenna" means a structure and all supporting apparatus which is used for receiving satellite signals: if the structure is roof-mounted and exceeds ten feet in height above the highest point of the roof, it is considered a roof-mounted antenna: if the structure is ground-mounted it is considered an accessory building.

425.03. General rule. Except as otherwise provided in this section, no antenna or tower may be erected, constructed, placed, re-erected or replaced in any zoning district of the city except in conformance with this section. (Amended, Bill No. 1996-21)

425.05. Permits. Subdivision 1. Required. Except as provided in subdivision 3, no person may erect, construct, place, re-erect, reconstruct or replace an antenna or tower in the city without first making application for and obtaining a permit therefor from the building official.

Subd. 2. Information. The applicant for the permit shall provide at the time of application sufficient information to indicate that the erection, construction, placement, re-erection, reconstruction or replacement will not create a safety hazard or damage to the property of other persons.

Subd. 3. Exceptions. Permits are not required for:

(a) an antenna or combination of antennae and tower rigidly attached to a building provided that the combination of antenna and tower does not exceed a total height of ten feet above the highest point of attachment;

(b) antennae and towers used by the city for city purposes;

(c) adjustment, repair or replacement of the elements of an antenna, provided such adjustment repair or replacement does not reduce the safety factor;

(d) temporary antennae or towers erected for test purposes, emergency communication, or for broadcast remote pick up operations: temporary antennae and towers shall be removed within 72 hours following installation.

425.07. Location. Subdivision 1. Sideyards. A tower or antenna or combination thereof may not be located in any front yard or side yard except that towers or antennae rigidly attached to the side of the building may project into a required interior side yard provided they are at least four feet from an interior side property line.

Subd. 2. Satellite antennae. Groundbased satellite antennae are permitted only in the rear yard and, for purposes of the zoning code, are accessory buildings. The structures are subject to the requirements for accessory buildings listed in the zoning code.

Subd. 3. Extension into streets. No part of any antenna or tower nor any lines, cable, equipment or wires, or braces in connection with either shall at any time extend across or over any part of any public right-of-way, streets, highways, sidewalk or alleys or over any property line.

425.09. Height. The total height of any tower, antenna or combination thereof shall not exceed 70 feet from the lowest grade level at the base to the highest point of tower, antenna or combination thereof. The total height of roof mounted towers, antennae or combination thereof may not exceed 70 feet above the average elevation of the lot along the front building line of the building it is mounted on.

425.11. Performance standards. Subdivision 1. These performance standards apply to any accessory tower, antenna or satellite antenna that is erected, constructed, placed, re-erected or replaced in any zoning district in the city.

Subd. 2. Signage. No advertising message shall be on the tower or antenna structure.

Subd. 3. Screening. Such structures shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening plans shall be approved by the Community Development Director.

Subd. 4. Number. If more than one such structure is proposed on a lot, they shall be clustered in a single grouped location where possible.

Subd. 5. Lighting. Towers and antennas shall not be artificially lighted unless it is required by the Federal Aviation Administration or other federal or state authority. (Added, Bill No. 1996-21)

425.13. Construction. Subdivision 1. Wind. Towers with antenna shall be designed to withstand applicable wind load requirements as prescribed in the state building code.

Subd. 2. Treatment. Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be treated wood in conformance with the building code.

Subd. 3. Grounding. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with the national electrical code.

Subd. 4. Climbing. A tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.

Subd. 5. Appurtenant structures. No antenna or tower shall have affixed or attached to it, in any way, except during time of repair or installation, any lights, reflectors, flashers or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon or attached thereto, any platform, catwalk, crow's nest or like structure, except during periods of construction or repair. (Amended, Bill No. 1996-21)

425.15. Non-conforming installations. Subdivision 1. General rule. Antenna and towers in existence on January 18, 1986 which do not conform to or comply with this section may continue to exist for the purpose now used but may not be replaced or structurally altered except as provided in subdivision 2 without complying with this section. (Amended, Bill No. 1996-21)

Subd. 2. Replacement. If a non-conforming tower is damaged or destroyed the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with these regulations, provided, however, that the cost of repairing the tower to its former use, size or location does not exceed 50 percent of the cost of a new tower of like kind or quality.

425.17. Variances. The council may grant variances to the literal provisions of this section in the same manner and subject to the same requirements that apply to variances granted under section 546 of the zoning code. (Amended, Bill No. 1996-21)

Section 427 – Wetland Protection
(Added, Bill No. 2010-17)

427.01. Purpose. The purpose of this section is to achieve the policies described in the city's surface water management plan relating to wetland management.

427.03. Administration. The City will act as the Local Government Unit (LGU) for administration of the Wetland Conservation Act, Minnesota Statutes, Sections 103G.221 through 103G.2372 (WCA).

427.05. Buffer. Within the jurisdiction of the Minnehaha Creek Watershed District, no activity requiring a permit under the WCA or the Wetland Protection Rule of the Minnehaha Creek Watershed District will be permitted without providing for a buffer meeting the requirements of City Code, Subsection 429.06.

427.07. Wetland filling, draining and dredging regulations. The Wetland Conservation Act, as amended, and the rules implementing the Wetland Conservation Act as set forth in Minnesota Rules, chapter 8420, as amended, are incorporated as part of these regulations and shall govern draining, filling, and dredging in wetlands with the following additional requirements:

Subdivision 1. Persons draining, filling or dredging wetlands within the jurisdiction of the Minnehaha Creek Watershed District are required to meet the additional requirements set forth in the Wetland Protection Rule of the Minnehaha Watershed District.

Section 428 – Erosion and Sedimentation Control Regulations
(Added, Bill No. 2002-15)

428.01. Purpose. The purpose of this section is to promote the public health, safety, property and general welfare of the citizens of the City and to regulate land disturbing activities to preserve and enhance the natural environment by reducing sedimentation in streams, lakes, ponds, storm sewer systems, and other water ways, protect the quality of surface water resources, preserve and protect wildlife habitat, restore sites to reduce the negative environmental effects of construction activities, and provide uniform techniques and methods for erosion and sedimentation control.

428.03. Administration. The City Council hereby designates the Building Official as the Administrator of this Section. Erosion control plans shall be reviewed and approved under the existing building permit process. Applications for a permit shall include information required by this Code. Applications for a permit for projects within the Minnehaha Creek Watershed District jurisdiction shall include any additional information required for an application under Minnehaha Creek Watershed District, Rule B. A fee in addition to the building permit fee is not required for erosion control plan review. (Amended 2010-16)

428.05. Performance standards for erosion and sedimentation control. The design, testing, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards and specifications contained in the Minnesota Pollution Control Agency's handbook of best management practices entitled, "Protecting Water Quality in Urban Areas" dated 1989, as amended, or if a facility or measure is not addressed in that handbook, then to the provisions of the "Erosion and Sediment Control Manual" (Hennepin Conservation District, 1989), as revised. (Amended 2010-16)

428.07. Activities Subject to Erosion Control Measure. Subdivision 1. The following land disturbing activities shall be subject to erosion control measures, except those activities described in section 428.09:

- a. An area of 5,000 square feet or greater that will be disturbed by excavation, grading, filling or other earth moving activities resulting in the loss of protective vegetation; or,
- b. Excavation or fill exceeding 50 cubic yards; or,
- c. The installation of underground utilities, either public or private, resulting in more than 300 linear feet of trenching or earth disturbance.

Subd. 2. Any other land disturbing activity for which the City Engineer determines to have the potential for substantial erosion.

428.09. General Exemptions. Subdivision 1. The following land disturbing activities that meet all of the requirements of this subdivision are exempt from this section.

The disturbed or fill area is less than five thousand (<5,000) square feet in area, and

- a. The volume of soil or earth material stored or moved is fifty (50) cubic yards or less, and
- b. Impervious surface of less than ten thousand (10,000) square feet is created, and
- c. No drainage way is blocked or has its storm water carrying capacities or characteristics modified,
and
- d. The activity does not take place within one hundred (100) feet by horizontal measurement from the top of the bank of the water course, the ordinary high water mark of the water body, or the ordinary high water mark of a wetland associated with a water course or water body.

Subd. 2. Agricultural lands, including gardens, used mainly for the production of food, general farming, nurseries, etc. are exempt from this regulation.

428.11. Erosion control plans. Subdivision 1. Land disturbing activities not exempt from this Section shall be required to have an approved erosion control plan on file with the City prior to commencement of construction.

Subd. 2. The erosion control plan shall contain all information necessary for the City Engineer to determine that adequate erosion control and sedimentation measures are proposed. The plan shall include a topographic map showing existing and proposed contours, location of any natural water courses, storm sewers, and drainage ways. The extent of the land disturbing activity and any erosion control measures shall be shown on the submitted erosion control plan. Unless otherwise authorized by the administrator the following information shall be submitted with the site map and grading plan:

- (a) Existing and proposed topography of the site showing contour intervals of no less than two (2) feet.
- (b) Contour lines extending beyond the property boundaries for a distance sufficient to show the relationship between on-site and off-site drainage.
- (c) Property lines shown in true location with respect to topographic information on the plan.
- (d) Location and graphic representation of all existing and proposed natural and man-made drainage facilities.
- (e) Detailed plans of any surface and sub-surface drainage devices, walls, cribbing, dams, and other devices to be constructed with or as part of the proposed work and a map showing the drainage area and the estimated runoff of the areas served by any drain.
- (f) Location and graphic representation of proposed excavation, fill, on-site storage of soil and other earth material, and on-site disposal of earth material.

- (g) Location of proposed final surface runoff, erosion and sediment control measures.
- (h) Quantity, in cubic yards, of soil or earth material to be excavated, filled, stored or otherwise utilized on-site.
- (i) Outline of the methods to be used to clear vegetation and to store and dispose of cleared vegetative matter.
- (j) Proposed sequence and schedule of excavation, filling, and other land disturbing and filling activities, and soil or earth material storage or disposal.
- (k) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on adjacent properties that are within fifteen (15) feet of the property line of the subject property or that may be affected by the proposed grading operations.
- (l) A narrative report summarizing the proposed erosion control measures shall be submitted. This report shall describe the timing of the installation, phasing, stabilization of all erosion control structures, and maintenance and eventual removal of all erosion control structures.
- (m) For land disturbing activities within the Minnehaha Creek Watershed District jurisdiction, any other information required for an application by Minnehaha Creek Watershed District, Erosion Control Rule.

(Amended 2011-25)

428.13. Maintenance of erosion and sediment control measures, notification and inspection.

Subdivision 1. It shall be responsibility of the owner/developer to maintain all erosion control structures in a condition that will ensure continuous functioning of those devices. As a minimum, maintenance shall meet all requirements of the Minnehaha Creek Watershed District Erosion Control Rule. If, after the installation of the erosion control structure, the City Engineer determines that additional measures are needed, they shall be installed at the expense of the owner.

Subd. 2. Any erosion or sediment that runs off or blows off the site onto adjoining properties, City streets, storm sewer, etc. shall be the responsibility of the owner or developer for clean-up and restoration. If the owner fails to properly clean up or restore all areas affected by erosion, the City will hire a contractor to complete the work and bill the owner for the expenses associated with the clean-up. Failure to maintain these measures shall be a violation of this Section.

Subd. 3. The City may require an applicant to provide a bond or other financial guarantee in form satisfactory to the City and meeting the requirements of the Minnehaha Creek Watershed District for financial assurances to guarantee the installation and maintenance of erosion control measures and compliance with the requirements of this Section. (Amended 2011-25)

Subd. 4. The owner/developer shall meet all requirements for inspection and notification specified in the Minnehaha Creek Watershed District Erosion Control Rule.

428.15. Penalties for Violation. The following penalty options are available for violation of this ordinance:

Subd. 1. “Stop Work” Order. It is unlawful for any person, either by the owner or the occupant of premises, to violate, neglect or refuse to comply with the requirements of this section. In addition, if the City Engineer determines that adequate erosion control measures are not being followed and there is little cooperation on the part of the owner to do so, a “stop work” order may be issued to the land disturbing activity until such times as adequate measures are implemented.

Subd. 2. Suspension or Revocation of Permit. The City may suspend or revoke the permit and permittee shall cease work on the site except for work necessary to remedy the cause of the suspension. The permittee may request a reinstatement of a suspended or revoked permit upon correction of the causes for suspension and, if the conditions of the Permit have been complied with in full, the City shall reinstate the permit.

Subd. 3. Issue Violation as a Misdemeanor. Any person violating a section, subdivision, paragraph or provision of this Ordinance when that person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a petty misdemeanor, except as otherwise stated in specific provisions hereof.

Section 429 - Water Resource Management Regulations
(Added, Bill No. 2002-17)

429.01. Purpose. The purpose of these regulations is to achieve the policies described in the city’s surface water management plan relating to wetland management, shoreline and streambank improvements, stream and lake crossings, dredging, and stormwater management.

429.03. Definitions. Subdivision 1. For purposes of this section, the following terms have the meanings set forth below.

Subd. 2. Best Management Practices (BMPs): Guidance and design criteria for stormwater management facilities contained within the Minnesota Pollution Control Agency’s publication entitled, “Protecting Water Quality in Urban Areas”, dated October 1989 and as amended.

429.05. Stormwater Management for Land Altering Activities. Subdivision 1. Administration. The city council hereby designates the Director of Public Works as the administrator of this section.

Subd. 2. Application. Stormwater management plans shall be reviewed and approved under the existing building permit review process. The applicant must include the requirements of this section in the plans submitted as part of the building permit review.

Subd. 3. Activities Subject to Stormwater Management Regulations. The following table I outlines those activities that require no permit and those activities that require permits for stormwater management as outlined in the city’s comprehensive surface water management plan for various development and redevelopment activities:

Table I

<i>Project</i>	<i>Requirements</i>			
	No permit	BMPs	Water quantity control	Water quality control
a) Single- family home construction	X			
b) Construction on less than 2 acres w/ density of less than or equal to 2 acres	X			
c) Residential subdivision between 2 and 8 acres		X		
d) Residential subdivision between 8 and 20 acres		X	X	
e) Residential subdivision greater than or equal to 20 acres		X	X	X

<i>Project</i>	<i>Requirements</i>			
	No permit	BMPs	Water quantity control	Water quality control
f) Multi-unit residential development w/ less than 8 units/acre	X			
g) Multi-unit residential development greater than 2 acres and less than 5 acres		X		
h) Multi-unit residential development greater than or equal to 5 acres and less than 8 acres		X	X	
i) Multi-unit residential development greater than 8 acres		X	X	X
j) Commercial, industrial, institutional, or mixed use development of less than 1/2 acre		X		
k) Commercial, industrial, institutional, or mixed use development of greater than 1/2 acre and less than 8 acres		X	X	
l) Commercial, industrial, institutional, or mixed use development of greater than 8 acres		X	X	X
m) Maintenance, improvement, or construction of public or private road, street, highway, sidewalk, trail, other linear project or parking lot that does not result in net increase in impervious surface	X			

<i>Project</i>	<i>Requirements</i>			
	No permit	BMPs	Water quantity control	Water quality control
n) Maintenance, improvement, or construction of public or private road, street, highway, sidewalk, trail, other linear project or parking lot that results in net increase in impervious surface of less than 1 acre		X		
o) Maintenance, improvement, or construction of public or private road, street, highway, sidewalk, trail, other linear project or parking lot that results in net increase in impervious surface of greater than 1 acre and the project area is less than 5 acres		X	X	
p) Maintenance, improvement, or construction of public or private road, street, highway, sidewalk, trail, other linear project or parking lot that results in net increase in impervious surface of greater than 1 acre and the project area is more than 5 acres		X	X	X

- a. Stormwater runoff discharge rates may not exceed the existing conditions for the 1-, 10-, and 100-year storm events. If the increase in imperviousness is 50% or greater, the discharge rate requirements must be based on pre-development conditions.
- b. Stormwater runoff to a landlocked area that cannot handle the increased runoff must maintain runoff volumes to the existing conditions.

- c. Water quality control facilities must remove 50% of the phosphorous on an annual average removal basis.
- d. Stormwater ponds must have a 10-foot, 10:1 bench, two feet of freeboard, and must remove floatables from a 1-year event.
- e. Sidewalks and trails that do not exceed 10 feet in width and are bordered by a pervious buffer of at least 5 feet on each side are not included in calculations for net increase in impervious surface.
- f. Water quality and quantity provision requirements may be waived by the administrator if a downstream facility is in place or will be constructed and the facility is designed to accommodate the stormwater runoff from the project.
- g. The requirements of this ordinance may be waived by the administrator or board of adjustments and appeals if it is determined that meeting the requirements of this subsection on site is not feasible.

Subd. 4. Construction Standards. The design and construction criteria for stormwater management plans outlined in the city's surface water management plan and the MPCA "Protection Water Quality in Urban Areas" shall be utilized as the construction standards for these regulations. These criteria are on file in the city engineering office.

429.06. Buffers required; Special rule for Minnehaha Creek Watershed District. Subdivision 1.

Within the jurisdiction of the Minnehaha Creek Watershed District (MCWD), no activities requiring a permit under the Wetland Protection Rule of the MCWD Buffers must be created, documented, marked by monuments, maintained and monitored in accordance with the Wetland Protection Rule of the MCWD.

429.07. Penalties for Violation. Subdivision 1. Violation of the provisions of these regulations or failure to comply with any of its requirements shall constitute a misdemeanor and shall be punishable as defined by law.

Subd. 2. Nothing herein contained shall prevent the City of Richfield from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

a. In responding to a suspected ordinance violation, the administrator and/or building official may utilize the full array of enforcement actions available to the guilty party.

b. When an ordinance violation is either discovered by or brought to the attention of the administrator or building official, the situation shall immediately be investigated. Documentation of the nature and extent of the violation of the official control must be provided.

c. The administrator must notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure or use is under construction or development, the Administrator may order the construction or development immediately halted until a proper permit is granted by the city. If the construction or development is already completed, then the administrator may either: a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or b) notify the responsible party to apply for an after-the-fact permit within a specified period of time not to exceed 30 days.

d. If the responsible party does not appropriately respond to the administrator or building official within the specified period of time, each additional day that lapses constitutes an additional violation of this regulation and may be prosecuted accordingly. The administrator must also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition that existed prior to the violation of this regulation.