



City Council - Worksession
Monday, April 25, 2016 - 5:00 p.m.
Council Worksession Room
(meeting will not be cablecast)

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **COUNCIL BUSINESS and/or DISCUSSION ITEMS**
 - 3.1 Discussion: Special Events Ordinance/Policy.
 - 3.2 Discussion; Related to Rental Licensing.
 - 3.3 Discussion; Interim Use Permit; Accessory Structures.
 - 3.4 Discussion; Sidewalk Snow & Ice Control.
4. **ADJOURNMENT**

COUNCIL WORKSESSION MEMO

3.1

Meeting Date	April 25, 2016
Agenda Section	Council Business and/or Discussion Items
Item Description	Discussion; Special Events Ordinance/Policy
Submitted By	Amy Oehlers, City Clerk

BACKGROUND INFORMATION

At the March 21, 2016 City Council meeting, the Council was presented with two requests for a Special Events License. Both proposed events were sponsored by private businesses. These applicants stated that a certain percentage of their proceeds would be given to a local non-profit (5% - 10% for one applicant, 10% for the other applicant).

During the Council discussion Councilmembers expressed concern about public property being utilized for private monetary gain.

Those two requests were postponed until after the Council had the opportunity to discuss private entities using public property for events and whether or not the City should stipulate a specific revenue sharing for Special Events.

Enclosed in your packet is a copy of the City's Code regulations on Special Events, as well as the City's Policy on Special Events.

The "Policy" was developed by previous Community Development Director, Bob Kirchner and the City's EDC, which was adopted by the City Council in March 2010. The policy document does not provide clear direction on revenue sharing, which staff would like the Council discuss and make a determination on.

FINANCIAL IMPACT

Unknown at this time.

COUNCIL DIRECTION REQUESTED

1. Request that the Council discuss what their preference is on the use of public right-of-way, lots, streets, and other publically owned property for Special Events that are not City sponsored events.
2. Request that the Council discuss what their preference is on the requirement of revenue sharing.
3. Direct staff to make revisions to the policy, as you determine at your Worksession meeting, and prepare amendments to the City Code so that the Special Events Policy is incorporated into the City Code's Special Events regulations.



SPECIAL EVENTS POLICY

Policy Number 2010-02

ADOPTED: March 15, 2010

I. General Policy Statement & Objective.

The purpose of this policy is to define the various types of sponsors of special events and to provide a guideline for justly determining the City's participation level with Special Events. This policy should be used in conjunction with all other applicable laws, ordinances and resolutions relating to special events, when reviewing requests.

II. Types of Special Events Sponsors.

1. City-Operated. A special event organized and conducted by the City and largely funded by the City.
2. City-Sponsored. A special event organized and conducted by a tax exempt non-profit organization under Section 501(c) (3) through (10) of the Internal Revenue Code that the City has elected to support through appropriation of funds within the City's budget. This is typically an annual recurring event. This is an event that the City has determined is of general interest to the public and advances the City's public image. The City will provide financial support to this event as determined in the annual budget appropriation which may take the form of cash contributions for services or contributed City services to facilitate the event activities. This event must meet the other requirements of the Special Events Policy/Ordinance and must reimburse the City for any City costs in excess of the support level authorized by the budget appropriation.
3. City-Sanctioned. A special event organized and conducted by a tax exempt non-profit organization under Section 501 (c) (3) through (10) of the Internal Revenue Code that is approved for full or partial waiver of cost recovery or revenue sharing due to identifiable community benefits. The City may provide financial support to this event by waiving cost recovery and revenue sharing provisions. In effect, such an event is assisted by contributed City services to facilitate the event activities. This event must meet the other requirements of the Special Events Policy/Ordinance and must reimburse the City for any City costs in excess of the support authorized by the waiver.
4. Non-Profit Local Sponsor. A special event organized and conducted by a tax-exempt non-profit organization under Section 501(c) (3) through (10) of the Internal Revenue Code based within the City on a first time, one-time or occasional basis. This event must meet the other requirements of the Special Events Policy/Ordinance and must reimburse the City for any City costs unless otherwise waived in exchange for community benefits.

5. Non-Profit Non-Local Sponsor. A special event organized and conducted by a tax-exempt non-profit organization under Section 501 (c) (3) through (10) of the Internal Revenue Code not based within the City on a first-time, one-time or occasional basis. This event must meet the other requirements of the Special Events Policy/Ordinance and must reimburse the City for any City costs unless otherwise waived in exchange for community benefits. The City may require approval of other tax exempt non-profit beneficiaries of the event.
6. For Profit Sponsor. A special event organized and conducted by a person, organization or company that does not qualify as a tax-exempt non-profit organization under Section 501 (c) (3) through (10) of the Internal Revenue Code. A for profit sponsor must meet the requirements of the Special Events Policy/Ordinance and must reimburse the City for any City costs unless otherwise waived due to findings of community benefits. Further, the City may require revenue sharing with the City and/or approval of other for profit or tax exempt non-profit beneficiaries of the event.

Any tax-exempt non-profit organization which does not demonstrate full compliance with Internal Revenue code exemption requirements will be considered a for profit entity under this policy. For example, the organization must not be organized or operated for the benefit of private interests, such as the creator or the creator's family, shareholders of the organization, other designated individuals, or persons controlled directly or indirectly by such private interests. No part of the net earnings of a Section 501 (c) (3) through (10) organization may inure to the benefit of any private shareholder or individual. A private shareholder or individual is a person having a personal and private interest in the activities of the organization.
7. Block Party Sponsor. A special event organized and conducted by a person or group involving closure of a City street, parking lot or parking area for exclusive use by persons residing in the immediate area.
8. Political Event Sponsor. A special event organized and conducted by a political party for purposes of a political rally and/or fund raising.
9. Private Sponsor. A special event organized and conducted by a person or group for exclusive use by members of a family, friends or associates by invitation and not open to the public. Events involving less than 50 people and lasting less than two hours would not be considered a special event provided public travel or access to public property is not impeded.

III. Non-Profit Revenue/Expenditure Requirements.

Qualifying Non-profit Special Events are required to show financial statements that document that no more than 20% of the gross revenue for the event is spent on administrative costs (i.e. wages/salaries).

IV. City Participation in Special Events.

The City Manager has the authority to determine, without further approval, which events that the City will provide financial, material, labor or other support to, and to what extent.

Attached is a spreadsheet providing examples of the City's participation in Special Events. This spreadsheet may be used as a guide for future Special Events requests.

**SPECIAL EVENTS TRANSACTIONS BY TYPE OF EVENT
(LISTED IN ORDER OF PRIORITY FOR USE OF FACILITIES)**

TYPE OF EVENT	LICENSE FEE	CITY COST RECOVERY	REVENUE SHARING	EVENT EXAMPLES/SPONSORS
1) City Operated	Yes*	No	No	Northstar opening/City
2) City Sponsored	No	No, budget annually	No, unless offered by non-profit	Halloween/Anoka Halloween Inc Car Show/ABLA Sidewalk Sales Days/Chamber
3) City Sanctioned	No	No, if grant funded or waived by City	No, unless offered by non-profit	Summerfest/St. Stephens Memorial Day/Legion
4) Non-Profit Local	Yes*	Yes, unless waived by City	No, unless offered by non-profit	First-time or one-time event Local Masonic Lodge parade
5) Non-Profit Not Local	Yes*	Yes, unless waived by City	No, unless offered by non-profit	First-time or one-time event MN Masonic parade
6) For-Profit	Yes*	Yes, unless waived by City	Yes, unless waived by City	Serums Halloween Party/Serums Motorcycle Rally/Serums Business promotion/owner
7) Block Party	No	Yes, if extraordinary costs	No	Block party/local resident
8) Political	Yes*	Yes, if extraordinary costs	No	Public political mtg/political party
9) Private	Yes*	Yes, if extraordinary costs	No	Family celebrations Common interest gatherings

*License fees are required for first-time or one-time events, but not yearly for annual events including For-profit events like Serum's Halloween Block Party

CHAPTER 14. LICENSING; AMUSEMENTS AND ENTERTAINMENT

ARTICLE VII. Special Events

Section 14-251. Purpose and Intent.

The purpose of this Chapter is to promote the orderly, compatible and safe use of property for temporary special events and to assure adequate provision of parking, sanitary facilities, utilities and safety services. Special events are further defined and regulated in the City of Anoka Special Events policy.

Section 14-252. Definitions.

- (a) Applicant means any individual, partnership, corporation, association, society or group seeking and/or receiving a Special Events License from the City.
- (b) License means a license issued by the City to allow a special event.
- (c) Outdoor means activity conducted outside of a permanent structure or building.
- (d) Person means any person, association, partnership, firm, business trust, corporation or company.
- (e) Routine Special Event means any event that has been held at least once each year for the two (2) pervious years prior to the year for which the Special Events License is being applied for.
- (f) Special Event means any temporary, outdoor privately-sponsored event open to the general public and held on public or privately owned property. "Special Event" shall not apply to the following:
 - (1) Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, or fairs conducted pursuant to Minn. Stats. Chapter 38.
 - (2) Special events or activities permitted or licensed by other State laws or regulations of the City of Anoka, including publicly-sponsored activities in the local or regional park system and any other established special event operating prior to adoption of this ordinance.
 - (3) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, etc.
 - (4) Garage sales.
 - (5) Non-recurring auctions.
 - (6) National Night to Unite Events established through the Anoka Police Department.
 - (7) Funeral processions.
 - (8) Lawful picketing on sidewalks.
 - (9) Activities conducted by governmental agency acting within the scope of its authority.

- (10) Residential neighborhood block parties.

Section 14-253. License Required.

No person on or after the effective date of this Chapter shall conduct or allow to be conducted any special event as defined in this ordinance without first obtaining a Special Events License. A license is not required for a routine special event provided that the City Clerk is notified at least thirty (30) days prior to the routine event and the routine event has not changed substantially from the previous event.

Events, Street Closing/Use of City Lots that have been approved by the City and have consecutively occurred for the previous 2 years prior to the adoption of this ordinance are exempt from the licensing requirements as established in this chapter.

Section 14-254. Requirements for Issuance of a License.

- (a) The following standards shall apply to all special events:
 - (1) Maximum Number of People. The licensee shall not sell tickets to nor permit attendance at the license location of more than the maximum number of people stated in the special event license.
 - (2) Sound Equipment. Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of the citizens of Anoka.
 - (3) Sanitary Facilities. In accordance with Minnesota State Board of Health regulations and standards and local specifications, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of persons expected to attend the event.
 - (4) Security. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No license shall be issued unless the City's Chief of Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the event.
 - (5) Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed by the Anoka County Health Department.
 - (6) Fire protection. The licensee shall, at his own expense, take adequate steps to insure fire protection as determined by the City of Anoka Fire Chief.
 - (7) Duration of Special Event. The licensee shall operate the special event only on those days and during the hours specified on the license, which shall not be for more than seven (7) days.
 - (8) Cleanup Plan. The special event applicant is responsible for clean up. Any extraordinary clean up required by the City will be charged to the

applicant. Any city service that requires overtime will be at the expense of the applicant.

- (9) Waiver. The City Council may grant a waiver from the requirements of this Chapter in any particular case where the applicant can show that strict compliance with this Chapter would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this Chapter unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.
 - (10) Miscellaneous. Prior to the issuance of a permit, the City Council may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons attendant or of the citizens of the City of Anoka.
- (b) The following additional standards shall apply to special events with an expected attendance of over 200 persons:
- (1) Crowd Control. A fence or barrier shall be constructed that completely encloses the proposed location and shall be of sufficient height and strength to prevent people in excess of the maximum permissible number from entering the event. The fence or barrier shall have sufficient entrances and exits to allow easy movement into and out of the special event and provide traffic control onto established public roads systems. This requirement may be waived if the City Council determines that a fence will not be necessary for crowd control.
 - (2) Solid Waste Disposal. A sanitary method of disposing of solid wastes, in compliance with state and local laws and regulations, shall be provided and shall be sufficient to dispose of the solid waste production anticipated for the maximum number of people allowed by the license. Plans shall include a provision for holding and collecting all such waste at least once each day, sufficient trash containers and sufficient personnel to perform such tasks.
 - (3) Parking and Traffic Control. A parking and traffic control plan for the number of persons projected to attend the event must be submitted. Such plan must be sufficient to ensure a free flow of traffic and make available rapid access for emergency vehicles. Further, the applicant shall provide adequate off-street parking facilities on the site or within one thousand five hundred (1,500) feet thereof to accommodate the projected number of persons expected to attend the event.
 - (4) Recycling Collection & Processing. Applicant will submit a plan to collect glass bottles, plastic bottles, and aluminum cans for the purpose of recycling. The plan shall include appropriate recycling containers to be placed next to each garbage container and marked for recycling, clearly distinguishing recyclable collection from garbage collection. The plan shall also provide details on separate containers for paper and corrugated cardboard recycling and include confirmation of personnel to perform all tasks involved in the coordination and follow through of recycling collection processing.

Documentation shall be submitted as evidence that recycling collection service will be performed and the materials will be recycled through a licensed recycling hauler/facility. The applicant shall supply to the

City, within one (1) week following the event, the tonnage information (or weight slip) provided from the recycling hauler/facility acknowledging that materials were properly recycled.

- (5) Bonding. Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Minnesota, a corporate surety bond in the amount of up to \$50,000, to be approved by the City Council. The exact amount shall be set by the Council, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Chapter and all applicable provisions of state or local law, and which shall indemnify the City of Anoka, its agents, officer, and employees and the Council against any and all loss, injury or damage whatever arising out of or any way connected with the special event site and for any costs attributable to cleaning up and/or removing debris, trash, or other waste resulting from the special event.
- (6) Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with a limit of not less than \$50,000 from a company or companies approved by the State of Minnesota. Such insurance shall name the City of Anoka as an additional insured and shall remain in full force and effect in the specified amounts for the duration of the license. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the City Clerk in writing at least ten (10) days before the expiration or cancellation of said insurance.
- (7) Medical facilities. Medical or first aid facilities shall be provided which are sufficient to accommodate the projected number of persons to attend the event.
- (8) Camping facilities. If the event is to continue overnight, camping facilities in compliance with all state and local requirements may be provided in an amount sufficient to provide camping accommodations for the maximum number of people to be assembled for camping.
- (9) Lighting. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendees. The licensee's lighting plan shall be approved by City staff.
- (10) Potable water supply. Potable water, meeting all federal and state requirements for sanitary quality and sufficient to provide drinking water for the maximum number of people allowed at the special event, shall be provided.

Section 14-255.

Application Procedures.

A written application for a Special Event License shall be filed with the City Clerk not less than thirty (30) days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or parties conducting the event and shall be accompanied by the fee payable hereunder.

- (a) For special events with an expected attendance of 200 persons or less, the submitted application shall include the following:
 - (1) The names and addresses of the person or persons responsible for conducting the event.

- (2) The nature or purpose of the special event.
 - (3) The proposed location and the premises or portion thereof available for such event.
 - (4) Whether the premises are owned by the applicant or, if not owned, the written permission of the owner or agent having authority to permit the use of such premises.
 - (5) A statement of the locations where the applicant has promoted, operated or conducted similar events within the last five (5) years.
 - (6) The total number of days and/or hours during which the special event is to be held.
- (b) For special events with an expected attendance of more than 200 persons, the following additional information shall be required:
- (1) Any planning approvals previously granted by the City for the property and a list of all conditions of said approvals.
 - (2) Plans, where applicable:
 - a. To limit the maximum number of people at the special event, including the maximum number of tickets to be sold, if any.
 - b. For fencing the location of the special event.
 - c. For supplying potable water including the source, amount available and location of outlets.
 - d. For holding, collection and disposing of solid waste material.
 - e. To provide for medical facilities including the location and construction of a medical structure; the availability of medical personnel; and any provisions for emergency ambulance service.
 - f. To illuminate the location of the assembly including the location of the source of power.
 - g. For parking vehicles, including size and location of lots, points of highway access, and interior roads including routes between highway access and parking lots.
 - h. For telephone service, including the location of telephones and the telephone numbers.
 - i. For camping facilities, if any, and the location of available utilities for such facilities.
 - j. For security, including the number of guards, their deployment and hours of availability.
 - k. For sound control and sound amplification if any, including number, location and power of amplifiers and speakers.

- l. For food concession. (Food concessionaires must get a permit from the Anoka County Health Department.)

Note: The applicant is responsible for maintaining copies of Minnesota Department of Revenue Compliance Certificates – Form ST 19 for concessionaires.

- m. For fire protection.
- n. For area traffic control for access to, egress from, and exit onto public roads and highways.

- (3) A description of the existing or proposed sanitary and water facilities.
- (4) A written commitment from a responsible insurance company licensed to do business in the State of Minnesota, indicating that the applicant will be insured in the minimum amount as required in this chapter.

Where it appears that the nature or size of the event or the existence of other applicable insurance will not reasonably require the limits herein established, the City Council may set lesser limits and/or accept such evidence of other insurance or financial responsibility as will reasonably afford protection to the participants of the event and the general public.

- (5) Copies of all completed necessary State and local forms.

Upon submission of an application for a Special Events License, City staff will review the request and advise the applicant of the need for additional information, if any.

Section 14-256.

Fees and Charges.

- (a) The fee for a Special Events License shall be established by the City Council.
- (b) The Council may also require other charges relating to recovery of City costs and/or revenue sharing when appropriate.
- (c) The Council may waive fees, recovery of costs or revenue sharing if the event:
 - (1) Is free and open to the public, is non-political, a secular purpose.
 - (2) Enhances community pride and positive image, as determined by the City.
 - (3) Generates a positive economic impact for the City, as determined by the City.
 - (4) Generates positive media exposure and visibility for the City, as determined by the City.
 - (5) Demonstrates support for local charitable organizations.

Section 14-257.

Operation.

The following standards shall be required in operation of a special event:

- (a) The licensee or his agent(s) shall maintain the special event premises and facilities in a clean, orderly and sanitary condition at all times.

- (b) No dogs, cats or other animals shall be permitted to run loose on the event grounds.
- (c) No fires of any kind shall be permitted on the premises or in facilities, except in grills or at locations designated for that purpose.
- (d) No person shall engage in any conduct that violates a state, county, or local law or ordinance.

Section 14-258. Granting a license.

The City Council, in its sole discretion, reserves the right to review and determine whether or not a request for a special event and/or street closing is acceptable. It is the stated purpose of the City Council that all such special events and/or street closings shall be for family-friendly activities only. Special event activities must be inclusive of events and activities for both adults and children. In the event the City Council determines the activity does not meet these criteria, such application shall be denied.

Prior to Council consideration of the license, the City shall notify Anoka Business & Landowners Association, providing them with the event details.

Section 14-259. Denial of License.

- (a) The Council shall have the right to deny the license if, in the judgment of the City Council, granting of a license would adversely affect the safety, health and welfare of the citizens of Anoka. Such denial may also be based upon the following circumstances:
 - (1) The event would unreasonably inconvenience the general public.
 - (2) The event would unreasonably infringe upon the rights of abutting properties.
 - (3) The event would conflict with another proximate event or interfere with construction or maintenance work.
 - (4) There are not sufficient safety personnel or other necessary staff to accommodate the event.
 - (5) Other issues in the public interest as identified by the City Council.
- (b) The applicant shall be notified of such denial and may appear before the City Council to appeal the denial.
- (c) After the initial event has taken place, any aggrieved person may appeal to the City Council to express objection to future issuance of a License to the Licensee for the same type event. Such appeal shall be conducted through a public hearing, after having given ten (10) days notice to the Licensee, the aggrieved person and a public notice.

Section 14-260. Transferability.

No license granted under this Chapter shall be transferred to any other person or place without consent of the City Council, upon written application made therefore.

Section 14-261. Enforcement and Penalties.

- (a) The police department and other such officers, employees, or agents as the City Council or City Manager may designate, shall enforce the provisions of this Chapter.
- (b) The holding of a special event in violation of any provision of this Chapter shall be deemed a public nuisance and may be abated as such.
- (c) Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

Section 14-262.

Revocation of Permit.

The license for a special event may be revoked by the City Council at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any of the provisions of this Chapter are violated.

COUNCIL WORKSESSION MEMO

3.2

Meeting Date	April 25, 2016
Agenda Section	Council Business/Discussion Items
Item Description	Discussion; Related to Rental Licensing
Submitted By	Chuck Darnell & Clark Palmer, Associate Planners/Code Enf. Techs.

BACKGROUND INFORMATION

City staff has been reviewing the Rental Licensing ordinance of the City Code. Recently, staff has begun to ensure that all the requirements in the Rental Licensing ordinance are being enforced and that all rental property owners are complying with the requirements. There are some changes that are being proposed to increase the efficiency with which staff can administer the Rental Licensing program, and also to better allow staff to ensure that the purpose of the Rental Licensing program is being accomplished. A reminder that the purpose of the Rental Licensing program is to ensure that those properties that are rented are safe, secure and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; and free from reasonable fears about safety of persons and security of property.

Staff is bringing forward the proposed changes at this time to ensure that they are in place before the rental license renewal process begins in late 2016.

Possible Changes

1) Biannual license renewal

Ordinance Change: Change license issuance language in Section 48-42 from annually to biannually, and require renewal applications every 2 years.

Benefits: Annual renewal of nearly 500 rental properties consumes a significant amount of staff time. Biannual renewal would require only half of the staff time that is needed to process renewal applications each year, which will provide more staff time for other rental licensing duties (inspections, responding to complaints, etc.)

Potential Drawbacks: Staff will need to determine how to switch existing licenses from annual to biannual. One option could be to start half of all existing licenses on the 2 year cycle at the renewal period for 2017, and then start the other half in 2018. Therefore, by the 2018 renewal period staff would only be processing renewals for half of the licensed rental properties each year.

2) Increase flexibility in staff determining when re-inspections are required

Ordinance Change: Staff already has discretion on when a re-inspection is required, and staff proposes that that language stay in the ordinance. Staff is proposing to add a statement in Section 48-48 (b) that it is the City's intent to re-inspect rental properties at least once every 3 years. Coon Rapids uses the same time frame for their re-inspections. An item could also be added to the criteria in Section 48-48 (c) that the City may inspect any unit if it has not been inspected for 3 years. Other criteria that allow for the City to request an inspection include when the City has probable cause to believe a code violation exists, when the unit is located on a property with a suspended or revoked rental license, or when an occupant files a formal complaint with the City.

Benefits: This language would allow for more staff discretion in how often a property is re-inspected, and would provide more flexibility in requiring a re-inspection to occur. This will also allow staff to request and require inspections at any point during the year.

Potential Drawbacks: None.

3) Increase re-inspection fee from \$25 per unit

Ordinance Change: No actual change to Rental Licensing ordinance. This would require a change to the fee schedule. Current language in Section 48-51 (b) requires a fee for re-inspections necessitated by receipt of a complaint or as a result of previous failed inspection. The re-inspection fee only is applied when staff has to return to a property for a 3rd inspection, or if staff has to request an inspection based on a formal complaint from an occupant. The re-inspection fee would not apply on renewal inspections initiated by the City, or on the first re-inspection from those initial renewal inspections. Coon Rapids has a re-inspection fee of \$100.

Benefits: The intent of raising the re-inspection fee would be to provide more incentive for rental property owners to come into compliance after their first re-inspection, which may lead to reduced staff time spent re-inspecting a single unit multiple times.

Potential Drawbacks: Rental property owners could potentially have additional fees to pay when violations are not corrected.

4) Crime-free housing educational course requirements

Ordinance Change: Allow for rental property owners to have a timeframe to complete the class after initial granting or renewal of license (Section 48-2 (c)). This would apply most often to those not required to complete the course in the past and new owners. Should we require re-attendance of course after some period of time? Current language states that course attendance will be required on a schedule determined by City Manager or designated employee. As an example, Coon Rapids only requires the initial course attendance and does not require re-attendance.

Benefits: Would provide flexibility for rental property owners to take the class for the first time, as it is only offered a few times during the year. Re-attendance may increase property owners' awareness of new practices, laws, etc.

Potential Drawbacks: Re-attendance of class could be seen as a burden on some rental property owners. The class is an 8 hour, all day event which requires some owners to take time away from work.

5) Addition of conversion fee and nuisance fee to fee schedule

Ordinance Change: The ordinance requires a one-time conversion fee in Section 48-53 for a single family dwelling or townhouse that is converted to a rental property, and Section 48-54 states that a nuisance fee can be assessed for multiple nuisance calls. However, those fees are not identified in the fee schedule. Also, the ordinance currently allows for the rebate of the conversion fee. Staff is proposing that this rebate be eliminated.

Benefits: Changes to fee schedule would correct discrepancy between ordinance and fee schedule. Elimination of conversion fee rebate would reduce staff time in processing these rebates, and would remove redundancies from the ordinance. Also, the amount of the nuisance fee should be enough to provide an incentive for property owners to correct issues leading to nuisance calls. Coon Rapids has a range of nuisance fees depending on the situation, which range from \$200-\$500.

Potential Drawbacks: None.

6) Require police and fire lock box on exterior doors with existing security systems

Ordinance Change: Add a requirement within Section 48-48 that police and fire lock boxes be installed on exterior doors to multi-family rental properties. The requirement would only apply to existing secure buildings that have locked exterior doors. Buildings that are not required to have locked exterior doors would not be required to have the police and fire lock boxes.

Benefits: Would provide for emergency access to buildings without forced entry, and would expedite police and fire response to emergency calls at rental properties.

Potential Drawbacks: Upfront cost for property owners to install (\$122-265 per door).

Other Items to Consider

The following items are other aspects of rental licensing that could be considered by the City of Anoka. However, these items would require much more research and would take more time to implement. The purpose of discussing these items now is to determine whether the Council would like staff to spend time researching these items.

1) Change to occupancy standards

Ordinance Change: Current ordinance (Section 48-12) allows for only one family per dwelling unit. A family is defined in Section 74-2 as 2 or more people related by blood or no more than 4 people that are not related. Ordinance also allows for an owner to board to no more than 2 people. However, Section 48-12 also states minimum sizes for habitable floor space per occupant, and sets a maximum occupancy of no more occupants than two times the number of habitable rooms. Do these sizes and maximum occupancy standards suffice, or should there be other limits on maximum occupancy?

Benefits: Would prevent overcrowding of dwelling units, which could lead to unsafe or unsanitary conditions if occupancy greatly exceeds what a dwelling and its facilities were designed to accommodate.

Potential Drawbacks: Difficult for staff to monitor and enforce.

2) State licensed residential facilities

Ordinance Change: Current ordinance (Section 48-2 (b)) lists state licensed residential facilities as exempt from rental licensing. Do we want to change that?

Benefits: Would require these types of facilities to meet standard requirements of the Rental Licensing program (completing background checks, property inspections, etc.).

Potential Drawbacks: Additional staff time would be needed to require these types of facilities to become licensed and to monitor them. It may be duplicative to license these types of facilities when they are already licensed and inspected by another government agency.

3) Rental property density restrictions

Ordinance Change: Potentially create a maximum number of rental properties that can exist within a certain geographical area. In order to implement, staff would need to conduct research to determine whether there is a need for creating a density limit. An analysis would need to be conducted to determine the existing density of rental properties in the city, statistics on the number of new rental licenses issued over the past 10 years, statistics on the number of police calls to rentals versus owner-occupied units, and code enforcement issues on rentals versus owner-occupied units.

Other cities have implemented rental densities including West St. Paul, Northfield, Mankato, and Winona. All of these cities allow for temporary rental licenses for property that is in the process of being sold, where the owner is not living on the property.

Benefits: Rental densities restrictions could reduce police calls for service in neighborhoods, reduce property code violations, potentially improve neighborhood appearances, increase owner-occupied properties, and potentially improve property value stability in residential neighborhoods.

Potential Drawbacks: If some properties are restricted from being rented, those properties would not be ideal for investment properties which could increase time spent on market or the eventual home sales price. There could be litigation from property owners that lose the ability to rent their home.

FINANCIAL IMPACT

Proposed changes to fee schedule should have minimal impact, but may cause an increase in revenue if a large fee is established for re-inspection fees or nuisance fees.

COUNCIL DIRECTION REQUESTED

Provide direction to staff on the proposed changes to the Rental Licensing ordinance. Based on direction, staff will draft ordinance amendments and bring those forward at a future regular City Council meeting.

COUNCIL WORKSESSION MEMO

3.3

Meeting Date	April 25, 2016
Agenda Section	Council Business/Discussion Items
Item Description	Discussion; Interim Use Permit; Accessory Structures
Submitted By	Carolyn Braun, Planning Director

BACKGROUND INFORMATION

In December of 2015, the City considered a request for an interim use permit to allow a home occupation in a carriage house on the property at 1627 South Ferry Street. The request was denied due the inability of the applicant to show that the proposed use would be temporary in nature, as required by the zoning ordinance. At that time, the council indicated that they would like to discuss this issue further and discuss whether the zoning ordinance should be amended.

Home occupations in general

Home occupations are intended to be uses that are secondary to the residential use of the property. Typically home occupations are conducted within the residential dwelling and are permitted if the property continues to function and looks like a residential property. They are also to be conducted by the owner or owner's family. Home occupations are regulated to maintain the residential character of the property, primarily as a means to maintain residential property values and to maintain the peace, enjoyment and quiet of a residential neighborhood.

Of those ordinances on home occupations reviewed to date, those that allow home occupations in an accessory structure limit the amount of space that can be used within an accessory structure by percentage or square feet and do not allow full use of the accessory structure (usually a garage). The home occupations are allowed in existing structures or those that were constructed for residential use, such as a garage.

Construction of a building specifically for a home occupation calls into question whether the use is a secondary use to the residential use and whether the proposed use is temporary, as required by the code. If used entirely for a home occupation, it could be argued that the building is being used for a commercial purpose and could be taxed or conveyed as such.

FINANCIAL IMPACT

None.

COUNCIL DIRECTION REQUESTED

Staff would like direction from the City Council on whether staff and the Planning Commission should draft amendments to the zoning ordinance related to home occupations. Listed below are several options as examples; they are not intended to be all inclusive.

Options:

- *Clarify the code to state that home occupations are not permitted in accessory structures.*
 - In the past twenty years or so, I do not recall any approvals that allowed a home occupation in an accessory structure. This is likely due to the concern about the impacts to the neighborhood from traffic, noise, etc. The addition of interim use permits to the zoning ordinance created an

opportunity to allow home occupations in an accessory building as a temporary use; however, that option has not been requested until the recent request in December.

- *Amend the code to allow certain specific home occupations in accessory structures with an interim use permit and include a requirement that limits the length of time that the interim use permit can be conducted at the site.*
 - The current time period for home occupations allowed by interim use permit is that the permit expires upon sale of the property. A new property owner would need to get a new permit if they wanted to conduct a home occupation.
- *Amend the code to allow home occupations in accessory structures subject to standards; include a list of prohibited home occupations.*
 - Rather than try to list all possible home occupations, the ordinance would set forth standards that must be met such as appearance, occupancy, outside storage, parking, traffic, operational conditions (noise, fumes, odors, smoke, glare, vibration, waste, electrical interference, deliveries), signage, etc. In addition, the code could list those home occupations the City does not want conducted in accessory buildings. Ordinances reviewed include the following as prohibited home occupations: Wholesale or retail businesses unless entirely conducted by mail and does not involve shipment of merchandise to the premises; manufacturing, welding, machines shops or similar uses; motor vehicle repair; sale, lease, trade or transfer of firearms or ammunition; dispatch centers, etc.
- *Allow specific home occupations with a conditional use permit in an accessory structure. Note: A conditional use permit is not limited by time and, once granted, becomes a permanent property right.*

There are many ways to draft the ordinance. These examples are not intended to be only way this can be done. More importantly, staff needs to know if the council is interested in having home occupations explored further.

Another problem with accessory structures

Due to a recent change in the state building code, buildings of 200 square feet or less do not require a building permit. As such, the city has no way to monitor placement of such buildings for compliance with zoning code requirements, such as height, setbacks, impervious surface, number of accessory dwellings, etc. Buildings of this size could easily accommodate a single car or a home occupation. As such, staff has been discussing the addition of an accessory structure permit requirement to our code which would require a zoning review prior to placement.

COUNCIL WORKSESSION MEMO

3.4

Meeting Date	Monday, April 25, 2016
Agenda Section	Council Business and/or Discussion Items
Item Description	Discussion; Sidewalk Snow & Ice Control
Submitted By	Public Services Staff; Mark Anderson, Jon Holmes, and Lisa LaCasse

BACKGROUND INFORMATION

Earlier this winter city staff and several council members received a phone call complaint/inquiry from a citizen regarding ice control on sidewalks; and questions regarding the city's responsibility for ice control and snow removal on sidewalks. The inquiry prompted staff review of City code and the Snow Removal Policy 97-107. Snow removal & ice control is addressed in two (2) sections of the City code: Article I Section 48 PROPERTY MAINTENANCE STANDARDS Section 48 - 3 (1) and Article II Section 50 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES.

Staff has provided recommendations for updates to the code sections and snow removal policy. The city assists property owners with the snow removal process on sidewalks, but does not provide ice control. Code revisions reinforce that the responsibility for snow removal on sidewalks belongs to the adjacent property owner, though the city may assist when snow fall accumulation is greater than 3 inches. City Policy indicates that the City may choose to assist with sidewalk snow removal at 2" accumulation. Ice control on sidewalks/walkways remains the sole responsibility of the adjacent property owner.

Staff does not recommend that the City take on the responsibility for ice control on sidewalks due to the potential liability risk for slips and fall injuries that could occur on sidewalks and due to the increase costs associated with providing such services.

The City will continue to provide ice control on sidewalks adjacent to city owned buildings/facilities.

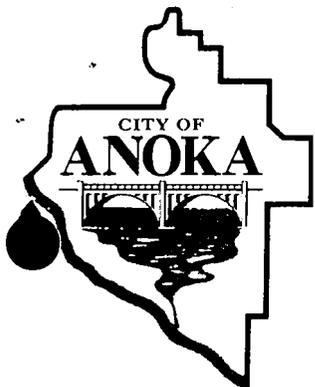
FINANCIAL IMPACT

Potential Financial Impacts:

- Increased boulevard maintenance in the spring due to salt damage to lawns and trees
- Increase in boulevard tree root damage/die off
- Purchase of salt/de-icing equipment for attachment to the sidewalk machine for ice removal on sidewalks
- Purchase and storage of a different mixture of salt specifically for the sidewalk
- Additional man hours to address spot salting during non-snow events to address concerns, calls, and complaints

COUNCIL DIRECTION REQUESTED

Discussion and direction regarding suggested code and policy updates.



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RESOLUTION NO. 97- 107

SNOW PLOWING/ICE CONTROL POLICY

WHEREAS, a Snow Plowing/Ice Control Policy has been developed and recommended by City staff; and

WHEREAS, adoption of said policy has been determined to be in the best interest of the City of Anoka.

NOW, THEREFORE, BE RESOLVED that the Anoka City Council hereby approves , and adopts said Snow Plowing/Ice Control Policy.

Adopted this 15th day of September, 1997.

ATTEST:

Mark Nagel, City



Peter M. Beberg, Mayor

CITY OF ANOKA
SNOW PLOWING/ICE
CONTROL POLICY

PURPOSE

In order to provide the safest possible winter travel for the greatest number of people, the City of Anoka needs to annually review its policy regarding efficient and timely snow and ice control on our City's public through ways. This policy outlines the responsibilities within various city departments in order to accomplish this goal.

RESPONSIBLE AGENCIES

The Public ~~Works and Park~~ **Services** Departments ~~have~~ **has** the responsibility to clear and maintain the safest possible travel on the City's streets, ~~sidewalks~~ and **publicly owned** parking ~~lots.~~ **facilities**.

The Public ~~Works~~ **Services** Supervisor has responsibility for ice control and the clearing and removal of snow in the City's streets and **publicly** owned parking lots. The supervisor retains the latitude to adjust sequencing or route assignments based on storm conditions, equipment availability and/or other conditions warranting changes. The City will attempt to clear main thoroughfares as a priority.

~~The Parks Supervisor has responsibility for clearing snow on the City's primary sidewalk routes.~~

The Public ~~Works~~ **Services** Department, with the assistance of the Police Department, monitors the street conditions. Together, they determine appropriate levels of activity to maintain the streets in the safest possible condition.

COMMENCEMENT OF OPERATIONS

Snow plowing and/or ice control operations shall commence under the direction of the ~~Street~~ **Public Services** Supervisor. In their absence the Police Department Patrol Sergeant on duty and the ~~Street~~ **Public Services** Supervisor's designated representative will consult and determine when and what operations will begin.

In general, operations will be dealt with as follows:

1. Snow accumulations of 2" or less will be handled on an as-needed basis through such activities as spot sanding/salting and/or spot plowing.
2. Snow accumulation of 2" with **or with/out** continuing snowfall, **drifting snow**, and/or **icing of pavements** may warrant commencement of full plowing operations.

- ~~3. Drifting of snow may warrant commencement of partial or full operations depending upon conditions.~~
- ~~4. Icing of pavements may warrant partial or full operation depending upon extent and conditions.~~

HOW SNOW WILL BE PLOWED

~~Snow will be plowed in a manner so as to minimize traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right with the discharge going onto the boulevard area of the right of way. It is the departmental goal to have the entire street system cleared after a "typical" snowfall in approximately 12 hours, assuming a general plowing operation beginning at 4:00 A.M. and snowfall ending by 8:00 A.M. Widening and cleanup operations may continue immediately or on the following work day depending upon conditions and circumstances. Depending on snowfall conditions and duration of the storm, cleanup operations can fluctuate widely.~~

The ~~Street~~ **Public Services** Supervisor will determine when snow will be removed for the ~~downtown area~~ **from the central business district area streets, sidewalks and/or public parking lots facilities.**

~~Snow removal operations will not commence until other snow plowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel, and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage area will be located so as to minimize environmental problems.~~

USE OF SALT/SAND

The City will use salt/sand and other chemicals when there are hazardous icy or slippery conditions, ~~on steep grades, and on high volume intersections~~ **on roadways**. The ~~Street~~ **Public Services** Supervisor, at his/her discretion, may vary sand/salt/chemical mix to address varying conditions of wind, temperature, etc. to produce, in his/her judgment, the most effective results. Application will be limited on low volume streets and cul-de-sacs.

SUSPENSION OF OPERATIONS

Generally, operations will continue until all roads are passable. Any decision to suspend operations will be made by the ~~Street~~ **Public Services** Supervisor and shall be based on the conditions of the storm.

Safety of the plow operators and the public is paramount. Therefore, snow clearing or removal operations may be suspended after 12 hours to allow personnel adequate time for rest. There may be instances when suspension of operations is not possible due to ongoing storm conditions. ~~In~~

~~these cases, the Street Supervisor will decide if and what portion of the plowing crew will stand down.~~ Operations may also be suspended during periods of limited visibility. The Public Works **Services** Department will do its best to provide access for emergency fire, police and medical services during a storm event.

PROPERTY DAMAGE

Snow plowing and ice control, by its nature, can cause harm to areas adjacent to the street even under the best of circumstances. The City's plow operators make every effort to avoid damage to areas adjoining the street, however, such damage does occur from time to time. The majority of damage occurs to improvements in the City Right-of Way which extends approximately 10' to 15' beyond the streets curbs.

The intent of the Right-of Way is to provide room for snow storage, utilities, sidewalks, and other city uses. However, certain private improvements such as mail boxes are permitted within this area. Therefore, the City will cooperate with the property owner to determine if the damage is the responsibility of the City and when it shall be the responsibility of the resident. The City accepts responsibility for physical damage to legally installed mailboxes if struck by a plow blade, wing, or other piece of equipment. Damage resulting from plow castings or the disturbance of snow or ice piles is the responsibility of the resident.

The City bears no responsibility for damage to irrigation systems, driveway markers, or other items illegally placed in the City Right-of-Way. If such items are deemed to be a traffic hazard or endanger street maintenance equipment or operators, the owner will be required to remove such items from the City Right-of-Way. Lawns that are scraped or gouged by City equipment will be repaired by top dressing and seeding the following spring. Residents are requested to assist by watering the areas that are repaired. In instances where there is a disagreement as to the source of the damage and/or repair responsibilities, the Director of Public Works **Services** or Police Department shall determine the obligation.

DRIVEWAYS

One of the most frequent and most difficult problems in removal of snow from public streets is the snow deposited in driveways during plowing operations. City personnel does not provide driveway cleaning.

MAIL DELIVERY

The snow plow operators make every effort to remove snow as close to the curb line as practical and to provide access to mailboxes for the Postal Service. However, it is not possible to provide perfect conditions and minimize damage to mailboxes with the size and type of equipment the City operates. Therefore, the final cleaning adjacent to mailboxes is the responsibility of each resident.

SNOW ON ROADWAYS

According to the laws of the State of Minnesota, depositing snow in any fashion onto a public street/Right-of-Way or highway is illegal and punishable as a misdemeanor.

~~Minnesota Statute 160.27 and City of Anoka Ordinance/Policy~~ **Chapter 50, Section 32 of the Anoka City Code** prohibits plowing, shoveling, blowing or placing snow onto public roadways. The act of placing snow onto a public roadway may subject a person to a civil liability if a road hazard such as a slippery area, frozen rut or bump occurs and causes a traffic accident. This civil liability may extend to both the property owner and the person who actually placed the snow on the roadway/Right-of-Way.

The City of Anoka asks all citizens to comply with these rules which are designed to keep the streets, Right-of-Ways, and highways safe during the winter months.

ATTENTION VEHICLE OWNERS

Within the City of Anoka, any person having a vehicle parked on any street after a continuous snowfall accumulating two (2) or more inches of snow will be subject to tagging and possible towing at the owners expense. This rule is enforced from 6 A.M. to 2 A.M. or until the street has been plowed to the full width of the roadway. By Ordinance, no parking is allowed on any City street from 2 A.M. to 6 A.M.

DISCLAIMER

All parts of this policy may be affected by at least one or more of the following which may delay all or some of the services provided:

- Equipment breakdowns
- Vehicles disabled in deep snow
- Weather so severe as to cause crews to be called in from the streets (i.e. white out conditions)
- Equipment rendered inadequate by the depth of snow or drifts
- Crew creaks, breaks required by refueling, refilling of material spreaders, installing chains or blades
- Unforeseen emergencies

CHAPTER 50. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE II. Snow and Ice Removal

Section 50-31. Snow and ice clearance required.

Each owner or occupant of real estate within the city along or by which there is built and maintained a public sidewalk within the central business district, shall clear or cause to be cleared all snow ~~or~~ and ice from such sidewalk within 18 hours after the snow or ice has ceased to fall thereon, ~~except that this requirement shall not apply to sidewalks which the city clears as part of the city sidewalk system plan, as revised.~~ The term "central business district" as used in this article includes that part of the city ~~which is zoned B-3, and which is~~ located east of the Rum River, west of Seventh Avenue, north of Monroe Street, and south of Van Buren Street. **The city's policy to assist with snow removal does not exempt any property owner from meeting this requirement. Removal of snow and ice outside of the central business district is governed by Chapter 48; Article I Section 48 – 3 subsection 1.**

Section 50-32. Removal to street.

No person shall place on city streets snow or ice which has fallen on private driveways; or private parking lots; or sidewalks. However, snow and ice which is cleared from sidewalks within the central business district may be placed on city streets the curb-line for collection by the city; however, no person shall place on city streets snow or ice which has fallen on private driveways or private parking lots.

Section 50-33. Removal by city at property owners or occupants expense.

Any snow or ice which is not cleared from sidewalks in accordance with section 50-31, **or which is placed on city streets in violation of section 50-23**, may be cleared by the city at the expense of the owner or occupant of the adjacent **or offending** property. The officer or employee in charge of such clearance work shall keep a record of the costs of such work done adjacent to each parcel of land. The costs of such sidewalk **and/or street** clearance may be recovered by the city, at its discretion, either by (i) periodically billing the owner or occupant of the adjacent **or offending** property for the costs of the clearance work, and taking such steps as are necessary to collect the bill, or by (ii) extending the costs of such work as a special ~~tax~~ **assessment** against the adjacent **or offending** property, which ~~tax~~ **assessment** shall be certified to the county auditor for collection as other special ~~taxes~~ **assessments**.

State law reference--Special assessments for snow removal, Minn. Stats. § 429.101.

Sections 50-34 thru 50-60. Reserved.

CHAPTER 48. PROPERTY MAINTENANCE STANDARDS

ARTICLE 1 In General

Section 48-1. Purpose and Scope.

- (a) Purpose. The purpose of this Chapter is to protect the public health, safety, and the general welfare of the people of the city. These general objectives include, among others, the following:
- (1) To establish the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within the City;
 - (2) To protect the character and stability of residential areas within the City;
 - (3) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health;
 - (4) To provide standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings;
 - (5) To prevent the overcrowding of dwellings;
 - (6) To provide standards for the maintenance of existing residential buildings and accessory structures and to thus prevent substandard housing and blight;
 - (7) To preserve the value of land and buildings throughout the city.

With respect to disputes between tenants and landlords, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the contractual relationship between the tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to involve itself in rent disputes, nor to act as an arbitrator, nor to hear complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this Chapter.

- (b) Scope. The provisions of this code shall apply to all existing residential and non-residential structures and all existing premises. This Chapter shall constitute the minimum standards for premises, structures, and facilities for light, ventilation, life safety, safety from fire, and other hazards and for safe and sanitary maintenance.

Section 48-2. Definitions.

The definitions contained in Section 74-2 of this Code apply herein. Additionally, the following definitions shall apply in the interpretation and enforcement of this Chapter. In the event of a conflict between the definitions contained in Section 74-2 and this Section, the definitions contained in this Section shall control.

- (a) Blended Family. A family in which one or both parents have children from a previous relationship. Blended family includes, households with a combination of biological and adopted children, foster children, stepchildren and half siblings. Children who are being raised by family members other than parents may also be considered a blended family.
- (b) Building Official. The designated agent authorized by the City Council to administer and enforce the State Building Code.

- (c) Dwelling. A building or one or more portions thereof, occupied or intended to be occupied for residential purposes, including at least one dwelling unit or rooming unit, but not including rooms in motels, hotels, nursing homes, trailers, tents, cabins, or trailer coaches.
- (d) Flush Water Closet. A toilet with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.
- (e) Garbage. The animal and vegetable waste resulting from the handling, preparing, cooking, marketing, or processing of food, or the non-consumed waste resulting from animals or humans consuming food.
- (f) Habitable Building. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.
- (g) Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, or eating purposes, excluding kitchens, bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, workshops, and hobby and recreation areas in parts of the structure below ground level or in attics.
- (h) Heated Water. Water heated to a temperature of not less than 110 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.
- (i) Kitchen. A space which contains a sink with counter working space, space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.
- (j) Lease. A written or oral agreement to rent. For use as a verb, see rent.
- (k) Let. To lease a premises or any portion thereof.
- (l) Maintenance. Upkeep of property and equipment in a safe working condition for which it was installed and/or constructed.
- (m) Occupancy. The purpose for which a building or portion thereof is utilized or occupied.
- (n) Occupant. Any person (including owner operator) who lives, sleeps, cooks, and eats in a dwelling unit or lives and sleeps in a rooming unit.
- (o) Operate. As used in this ordinance, the term "operate" means to charge rent or other considerations resulting in financial benefit for the use of a dwelling or a rooming unit.
- (p) Operator. The owner or his/her agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.
- (q) Owner. Any person, firm, or corporation who alone, jointly, or severally with others has title to any dwelling, or who has charge of, care of, or control of such property on behalf of the title holder. Any person representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as the owner.
- (r) Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.
- (s) Person. An individual, firm, partnership, association, corporation, company, or joint venture or organization of any kind.

- (t) Plumbing. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, bath basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.
- (u) Premises. A property identifiable by address or legal description, including all associated structures. A lot, plot or parcel of land including any structures thereon.
- (v) Property Maintenance Coordinator. The designated agent authorized by the City Council to administer and enforce this ordinance.
- (w) Public Hall. A hall, corridor, or passageway for providing egress from a dwelling unit to a public way.
- (x) Relative. A personal owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (y) Rent. Consideration paid for the use of premises, including, but not necessarily limited to, money, services and property. As a verb, the term 'rent' means to receive or allow the use of premises in return for such consideration or any combination thereof. The term 'rent' does not include arrangements whereby a relative occupies a dwelling and which arrangement is detailed and sworn to in affidavits filed by each adult occupant of the dwelling and each person who is an owner of the dwelling
- (z) Refuse. Means ashes, non-recyclable glass, crockery, cans, paper, boxes, rags, and similar non-putrescible non-recyclable wastes but excluding sand, earth, brick, stone, concrete, trees, tree branches and wood.
- (aa) Rental Dwelling. Any dwelling unit(s) let. Single family residential properties occupied by a relative shall not be considered a rental dwelling.
- (bb) Repair. The construction or renewal of any part of an existing building or its utilities, facilities, or equipment for the purpose of its maintenance.
- (cc) Rodent Harborage. A place where rodents commonly live, nest, or establish their habitat.
- (dd) Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.
- (ee) Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.
- (ff) Substandard Dwelling. Any dwelling which does not conform to the minimum standards established by city ordinances.
- (gg) Supplied. Paid for, furnished by, provided by, or under the control of the owner, operator, or agent of a dwelling.
- (hh) Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this ordinance, they shall be construed as through they were followed by the words "or any part thereof."

Section 48-3. Responsibilities of Owners and Occupants.

No owner or other person shall occupy or let to another person any dwelling, dwelling unit, rooming unit, building, or structure unless it and the premises are fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota, and the City of Anoka as set forth specifically in the following subsections.

- (a) Maintenance of Shared or Public Areas. Every owner of a dwelling containing two or more dwelling units shall maintain or shall provide for maintenance of the shared or public areas of the dwelling and premises thereof.
- (b) Housekeeping of Occupied Areas. Every occupant of a dwelling, dwelling unit, or rooming unit shall properly housekeep that part of the dwelling, dwelling unit, and premises thereof that he/she occupies and controls.
- (c) Storage and Disposal of Refuse. Every occupant of a dwelling, dwelling unit, ~~or~~ rooming unit, building or structure shall store and dispose of all his/her refuse and garbage and any other organic waste which might provide food for insects and/or rodents as required by Chapter 13 of this Code.
- (d) Responsibility for Storage and Disposal of Garbage and Refuse. Every owner of a multiple-family dwelling shall supply facilities for the storage and/or disposal of refuse, garbage, and recycling materials. All garbage, waste material, debris, and recyclables shall be kept in an enclosed building or contained in a closed container designed for such purposes.

Owners shall provide refuse enclosures to screen all containers that are visible from a public street or alley. Such enclosure shall have a concrete floor base. Gates may not be required if properly oriented on the site. The design of such enclosures shall be reviewed and approved by city staff prior to issuance of a building permit.

Provisions for storage and disposal of garbage and refuse consistent with this chapter must be provided for multifamily buildings upon obtaining a building permit costing more than \$5,000.00. In the case of single-family and duplex dwellings, it shall be the responsibility of the occupant to adequately provide for the storage and disposal of garbage and refuse.

- (e) Responsibility for Storm and Screen Doors and Windows. The owner of any dwelling unit shall be responsible for providing, maintaining and hanging all screen and storm doors and storm windows whenever the same are required under the provisions of this ordinance.
- (f) Responsibility for Pest Extermination. Every occupant of a single-family dwelling shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested, except when infestation is caused by the failure of the owner to maintain a dwelling in a reasonably rodent-proof condition; then, extermination shall be the responsibility of the owner. When infestation exists in two or more of the dwelling units in any building or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- (g) Rodent Harborage Prohibited in Occupied Areas. No occupant of a dwelling shall accumulate boxes, firewood, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent harborage in or about any dwelling. Outside stored materials shall be stacked neatly in piles at least four inches off bare soil or ground.

- (h) Rodent Harborage Prohibited in Public Areas. No owner or occupant of a dwelling shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent harborage in or about shared or public areas of a dwelling or premises. Materials stored outside by the owner or permitted to be stored by the owner shall be stacked neatly in piles at least four inches above bare soil or ground.
- (i) Prevention of Food for Rodents. No owner or occupant of a dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.
- (j) Maintenance of Plumbing Fixtures and Facilities. The owner of a dwelling unit, rooming unit, building or structure shall maintain all supplied plumbing fixtures and facilities therein in good working order.
- (k) Minimum Heating Capability and Maintenance. In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a room temperature of at least 68 degrees Fahrenheit shall be maintained from October 15th through April 15th.
- (l) Removal of Snow and Ice. The owner of any building or structure shall be responsible for the removal of snow and ice from parking lots ~~and/or~~, driveways, steps, and walkways on the premises, **as well as, from abutting public sidewalks. The owner of any building or structure shall additionally be responsible for ice control measures. Outside the Central Business District, which is governed by Section 30-11 of this Code,** individual snowfalls of three inches or more or successive snowfall accumulations to a depth of three inches shall be removed from walkways ~~and~~, steps **and public sidewalks** within 48 hours after cessation of the snowfall. **The city's policy to assist in snow removal does not exempt any property owner from meeting these requirements.**
- (m) Minimum Exterior Lighting. The owner of a rental dwelling or dwellings shall be responsible to provide and maintain effective illumination in all exterior parking areas and walkways.
- (n) Maintenance of Driveway and Parking Areas. The owner of a multiple-family dwelling or dwellings shall be responsible to provide and maintain in good condition paved and delineated parking areas and driveways for tenants. Each driveway and parking area on any multiple-family property existing on or before April 8, 1994, shall be paved with asphalt, concrete, brick, or similar dust-free surface at such time as a building permit may be taken for either remodeling or improvements costing more than \$5,000.00.

Section 48-4. Minimum Standards for Basic Equipment and Facilities.

No person shall occupy, rent or let to another for occupancy any dwelling or dwelling unit for the purposes of living, sleeping, cooking, and eating therein which does not provide the following:

- (a) Kitchen Sink. A sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to an approved sewer system per Anoka City Code.
- (b) Food Storage. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
- (c) Stove and Refrigerator. A stove for cooking food and a refrigerator for the safe storage of food at or below forty (40) degrees Fahrenheit, which are properly installed with all necessary

connections for safe, sanitary, and efficient operation. Such stove and refrigerator need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of the stove and refrigerator must be provided.

- (d) Toilet Facilities. Within every dwelling unit there shall be a non-habitable room which is equipped with a flush water closet in compliance. Such room shall have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and all shall be connected to a sewer system in compliance with Anoka City Code.
- (e) Lavatory Sink. Within every dwelling unit there shall be a lavatory sink. The sink may be in the same room as the flush water closet, but if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to a sewer system which complies with Anoka City Code.
- (f) Bathtub or Shower. Within every dwelling unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and all shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to a sewer system which complies with Anoka City Code.

Section 48-5. Stairways, Porches and Balconies.

The owner shall keep every stairway, inside or outside of a building, and every porch or balcony shall be kept in safe condition and sound repair, including but not limited to the following: stairs and handrails; every porch, balcony, or deck which is 30 inches or more above grade shall have a guardrail; every handrail and guardrail shall be firmly fastened and maintained in good condition; no flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause hazard; no flight of stairs shall have rotting, loose, or deteriorating support; excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be essentially uniform in width and height; stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

Section 48-6. Access to Dwelling Units.

Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

Section 48-7. Door Locks.

No owner shall let or rent to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling units are equipped with safe, functioning locking devices. Rental dwelling shall be furnished with door locks as follows:

- (a) Building Access. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-family dwellings with common areas, an approved security system shall be maintained for each multiple-family building to control access. The security system shall consist of locking building entrance or foyer doors, and locked door leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside of

building entrance doors and with locking devices on the outside of the building entrance doors. Building entrance door latches shall be of a type that are permanently locked.

- (b) **Unit Access.** Every door that provides ingress or egress for a dwelling unit within a multiple-family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure, provided however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.
- (c) **Existing Buildings.** All multiple-family dwellings in existence at the time this ordinance is adopted, which were not previously required to have an approved security system, shall not be subject to the requirements of Section "Building Access" of this Chapter.

Section 48-8. Minimum Standards for Light and Ventilation.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit which does not comply the following requirements:

- (a) **Habitable Room Ventilation.** Except where there is supplied some other device affording ventilation and approved by the Building Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily.
- (b) **Electric Service, Outlets, and Fixtures.** Every dwelling and rooming unit and all public and common areas shall be supplied with electric service, functioning over-current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in a safe working condition, and shall be connected to a source of electric power in a manner prescribed by ordinances, rules, and regulations of the City of Anoka and by the laws of the State of Minnesota. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:
 - (1) A dwelling containing one or two dwelling units shall have at least the equivalent of 100 ampere, three-wire electric service per dwelling unit.
 - (2) Every habitable room shall contain one (1) electrical convenience outlet.
 - (3) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling-type or wall-type electric convenience outlet.
 - (4) Every public hall and public stairway in every multiple dwelling shall be adequately lighted to provide at least ten (10) foot candles of illumination of all parts thereof at all times by means of properly located electric light fixtures; provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least one-tenth (1/10) of the combined horizontal area of the floor and stairway of each such public hallway and where such windows or skylight provide adequate natural light to all parts of each public hallway. Every public hall and stairway in dwellings containing two (2) dwelling units shall be supplied with convenient light switches, controlling an adequate lighting system that will provide at least ten (10) foot candles of illumination on all parts thereof, which may be turned on when needed.
 - (5) A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the point of entrance to such unit.

Section 48-9. Minimal Thermal Standards.

- (a) No person shall occupy as owner, or let to another for occupancy any dwelling or rooming unit, for the purpose of living therein which does not have heating facilities which are properly installed and maintained in a safe and working condition and which are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a room temperature of at least 68 degrees Fahrenheit to be maintained from October 15th through April 15th.
- (b) Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.
- (c) Portable heating equipment employing flame and the use of liquid fuel does not meet the requirement of this section and is prohibited.
- (d) No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner.

Section 48-10. General Requirements.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements.

- (a) Foundations, Exterior Walls, and Roofs. The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage and shall be adequate to prevent rain water from causing dampness in the walls. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or lacks protective coating or is determined by the Building Official to be deteriorated, the surface shall have a protective covering applied. If the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.
- (b) Windows, Doors, and Screens. Every window, exterior door, and hatchway shall be substantially tight and shall be kept in repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, vermin and rodents from entering the building.
- (c) Floors, Interior Walls, and Ceilings. Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotting flooring materials. Every interior wall and ceiling shall be maintained in a tight waterproof condition. Toxic paints or materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.
- (d) Rodent Proof. Buildings found to be rodent infested shall be made rodent resistant. All opening in the exterior walls, foundations, basements, ground, or first floors, and roofs which have 1/4" diameter or larger opening shall be rodent proofed in an approved manner. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent-impervious material.

- (e) Fence Maintenance. All fences supplied by the owner on the premises and all fences erected by an occupant on the premises shall consist of metal, wood, masonry, or other decay-resistant material. Fences shall be maintained in good condition. Materials, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives.
- (f) Accessory Structure Maintenance. Accessory structures shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.
- (g) Safe Building Elements. Every foundation, roof, floor exterior and interior wall, ceiling, inside and outside stair, porch and balcony, and appurtenance thereto shall be safe to use and capable of supporting normal structural loads.
- (h) Facilities to Function. All equipment or utilities required under city ordinances and every chimney and flue shall function effectively in a safe and working condition.
- (i) Grading and Drainage. Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.
- (j) Yard Cover. Every yard of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.

Section 48-11. Construction Standards.

All new construction and repair/renovation of existing structures within the City shall conform to the Minnesota State Building Code as the building code for the City.

Section 48-12. Maximum Density, Minimum Space, For Rental Units.

No person shall permit or let to be occupied any rental dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements:

- (a) Permissible Occupancy of Dwelling Unit. The maximum permissible occupancy of any rental dwelling or rooming unit shall be determined as follows:
 - (1) For the first occupant, 150 square feet of habitable floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
 - (2) In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling or rooming unit.
- (b) One Family Per Dwelling Unit. Not more than one family, except for temporary guests, shall occupy a dwelling unit.

Section 48-13. Enforcement and Inspection Authority.

- (a) The Property Maintenance Coordinator or his/her designee shall administer and enforce the provisions of this Chapter. Inspections shall be conducted during reasonable hours and the Property Maintenance Coordinator shall present evidence of his/her official capacity to the owner or occupant in charge of the property.
- (b) The identities of individuals who register complaints with the City concerning violations of State law or local ordinance concerning the use of real property shall be classified as

confidential data pursuant to Minnesota Statutes, Section 13.03, Subd. 3., which states that such data is not public and is not accessible to the individual subject of the data. All other code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on that property that are kept by the City shall be public data unless collected as part of an active civil investigation or legal action pursuant to Minnesota Statutes Section 13.99, or collected as part of an active criminal investigation pursuant to Minnesota Statutes Section 13.82, Subd. 7.

Section 48-14. Inspection Access.

If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, multiple dwelling or building fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof for purpose of an inspection authorized by this chapter, the Property Maintenance Coordinator may petition the court for an order for such inspection.

Section 48-15. Unfit for Human Habitation.

- (a) Any dwelling, dwelling unit, rooming unit, building or portion thereof which is damaged, decayed, dilapidated, moldy, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitation facilities, or has been used for the clandestine manufacture of illegal substances, to the extent that the conditions of the dwelling, dwelling unit, rooming unit, building or portion thereof poses a hazard to the health, safety, or welfare of the occupants or to the public may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, rooming unit, or building has been declared unfit, the Property Maintenance Coordinator shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.
- (b) It shall be unlawful for such dwelling, dwelling unit, or rooming unit, or portion thereof, to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Property Maintenance Coordinator. No person other than the Building Official or his/her designee shall deface or remove the declaration placard from any such dwelling unit.

Section 48-16. Secure Unfit and Vacant Dwellings.

The owner of any dwelling, dwelling unit, rooming unit or building which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more immediately shall make the same safe and secure so that it is not hazardous to the health, safety, and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors, windows, or wall opening, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and is a public nuisance within the meaning of this ordinance.

Section 48-17. Hazardous Building Declaration.

In the event that a dwelling, dwelling unit, rooming unit or building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed, or corrected pursuant to the provisions of Minnesota Statutes.

Section 48-18. Compliance Order.

Whenever the Property Maintenance Coordinator determines that any dwelling, dwelling unit, or rooming unit, or portion thereof, is in violation of this or any other ordinance, he/she may issue a Compliance Order according to the City of Anoka Property Code Violation Procedure.

Section 48-19. Right to Appeal.

Any person who believes that a compliance order issued under this chapter is based upon erroneous interpretation of this chapter, or upon a misstatement or mistake of fact, such person may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, and must be accompanied by a filing fee as determined by the City Council and be submitted to the City Manager within ten (10) business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such stay would cause imminent peril to life, health, or property.

Section 16-20. City Council's Decision.

Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal and within thirty (30) days after appeal is filed, the City Council shall hold a hearing thereon at which the City Council shall modify or affirm the order in whole or in part.

Section 48-21. Restrictions or Transfer of Ownership.

It shall be unlawful for the owner of any dwelling, dwelling unit, rooming unit, or building upon whom a pending Compliance Order has been served to sell, transfer, mortgage, or lease, or otherwise dispose thereof to another person until the provisions of the Compliance Order have been complied with, unless such owner shall furnish to grantee, lessee, or mortgagee a true copy of any notice of violation or Compliance Order and shall obtain and possess a receipt of acknowledgment. Anyone with an interest in the dwelling, dwelling unit, rooming unit, or building who has received notice of the existence of a Compliance Order shall be bound by same without further service of notice upon him/her and shall be liable for all penalties and procedures provided by this ordinance.

Section 48-22. Penalties.

Any person who fails to comply with a Compliance Order after a right of appeal has expired and any person who fails to comply with a modified Compliance Order within the time set therein, upon conviction thereof, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

Section 48-23. Execution of Compliance Orders of Public Authority.

Upon failure to comply with a Compliance Order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, for any of the reasons set forth in Minnesota Statutes, and specifically for the removal and elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize Minnesota Statutes to promote the public's health, safety, and general welfare.

Sections 48-24 thru 39. Reserved.