

CHAPTER IV.

BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400 - Building code

400.01. State building code. Subdivision 1. Code adoption. The building code of the state of Minnesota, authorized by Minnesota Statutes, sections 16B.59 to 16B.75, as amended, and embodied in the rules of the commissioner of administration, is the building code of the city, and is a part of this code as completely as if fully set forth herein. A copy of the state building code must be kept available for public use in the office of the building official. (Amended, Ord. No. 95-12, Sec. 1; Ord. No. 2000-08, Sec. 1; Ord. No. 2004-2, Sec. 1)

Subd. 2. (Repealed, Ord. No. 95-12, Sec. 1)

Subd. 3. Rules adopted.

a) The following chapters of Minnesota Rules, as amended, are adopted by reference:

1300	Administration of the Minnesota Building Code
1301	Building Official Certification
1302	State Building Code Construction Approvals
1303	Minnesota Provisions
1305	Adoption of the 2006 International Building Code
1307	Elevators and Related Devices
1309	Adoption of the 2006 International Residential Code
1311	Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings
1315	Adoption of the 2005 National Electrical Code
1325	Solar Energy Systems
1330	Fallout Shelters
1335	Floodproofing Regulations
1341	Minnesota Accessibility Code
1346	Adoption of the Minnesota State Mechanical Code
1350	Manufactured Homes
1360	Prefabricated Structures
1361	Industrialized/Modular Buildings
1370	Storm Shelters (Manufactured Home Parks)
4715	Minnesota Plumbing Code
7670, 7672, 7674, 7676 and 7678	Minnesota Energy Code

(Amended, Ord. No. 2000-08, Sec. 2; Ord. No. 2004-2, Sec. 2; Ord. No. 2007-08, Sec. 1)

b) The following optional chapters of Minnesota Rules, as amended, are adopted by reference:

- 1) Chapter 1306, Special Fire Protection Systems, with option 1306.0020, subdivision 2. (Amended, Ord. No. 2007-17, Sec. 1)

- 2) Grading, appendix chapter J, 2006 International Building Code.
- 3) Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

(Added, Ord. No. 95-12, Sec. 2; Amended, Ord. No. 2000-08, Sec. 2; Ord. No. 2004-2, Sec. 2; Ord. No. 2007-08, Sec. 1)

400.03. Administration. The building official is responsible for the administration of the building code. (Amended, Ord. No. 2004-2, Sec. 3)

400.05. Licensed activities. Subdivision 1. Licenses required. Except as otherwise provided in this section, it is unlawful to perform a work subject to the provisions of the building code unless that person is currently licensed to do so under applicable provisions of this code or state law. Such work includes, but is not limited to, electrical installations, plumbing, gas appliance installation, high pressure steam fitting installation and elevator construction.

Subd. 2. Plumber's licenses; authority. Plumbers are licensed under this code pursuant to the following provisions of ordinance no. 3, adopted by the Crystal village council on May 12, 1925, which is specifically not repealed by the enactment of this code;

"Plumbers must obtain license from the village council. No person or persons shall hereafter construct, alter or repair any plumbing or house drainage or construct cesspools, or construct or connect any house drainage with cesspools or the sewer system of the village of Crystal until he or they have first obtained a license from the village Council to do such work."

400.07. Permit fees. Subdivision 1. General rule. It is unlawful for any person to perform work subject to the building code for which a permit is required without having obtained such permit and paid the fees required by appendix IV of the code. The building inspector must establish a system for the issuance of required permits in accordance with the building code and appendix IV.

Subd. 2. Time limits. If the construction or alteration for which a building permit was issued is not commenced within 180 days after the date of the issuance of the permit, the permit expires. Construction in R-1 and R-2 zoning districts must be completed as to the exterior appearance within 12 months of the date of issuance of a permit.

400.09. Various trades licensed. Subdivision 1. It is unlawful to engage in a trade or profession specified in this subsection without a license therefor issued by the city council.

Subd. 2. Plumber.

Subd. 3. Gas appliance installer.

Subd. 4. Fees. The fees for the licenses required by this subsection are set by appendix IV.

Subd. 5. Bonds and insurance; amounts. The applicant for a license under this subsection must furnish a bond to the city in the amount specified in this subdivision.

- a) Plumber - \$2,000
- b) Gas appliance installer - \$1,000

The applicant for a license under this subsection must file with the clerk a policy or policies of insurance insuring the applicant against liability imposed by law in the amount of \$100,000 because of bodily injury to or death of one person per accident, \$300,000 because of bodily injury to or death of more than one person per accident, and \$100,000 property damage liability per accident. The policy of insurance must provide that it may not be cancelled by the insurer except upon written notice to the city. If the insurance policy is cancelled the license is automatically suspended until the insurance has been reinstated.

Subd. 6. Bond conditions; form of insurance. Bonds required by this subsection must be conditioned on compliance with applicable state laws and provisions of this code. The city may impose additional conditions on the bond where it deems it necessary. Bonds and insurance policies must be approved as to form by the city attorney.

400.11. Penalties. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done contrary to or in violation of any provision of the building code embodied in this section. Each day during which a violation of the building code is committed, continued or permitted, constitutes a separate offense.

400.13. Exceptions; owner-occupied single family dwellings. Subdivision 1. Buildings. Permits may be issued to make repairs, additions, replacements and alterations to the plumbing, heating or electrical systems of single family dwelling structures used exclusively for living purposes and accessory buildings thereto. All such work in connection therewith may be performed only by a person who is a bona fide owner of such dwelling and a resident therein, or a member of the owner-occupant's immediate family.

Subd. 2. For purposes of this subsection, the term "immediate family" means a parent, children by birth or adoption, or their spouse living in the dwelling.

Subd. 3. Other provisions of the building code regulating the work permitted by this subsection must be complied with.

Subd. 4. When an application is made for a permit for work permitted by this subsection, the applicant must file with the building official an affidavit stating that the applicant or the member of the applicant's immediate family who is to do the work is qualified to perform it. (Amended, Ord. No. 2004-2, Sec. 4)

400.15. Gas appliance installers; special provisions. Subdivision 1. Licenses; examination. Every person desiring to engage in or carry on the gas appliance business must make a written application to the city for a license to do so stating therein the name of the person desiring such license and the address of the place of business. The applicant must pass a written examination to determine their qualifications. The examination is conducted by the building inspector of the city in conjunction with the currently franchised gas utility company.

Subd. 2. Enforcement. It is unlawful to sell or offer for sale or install any gas appliance or accessories or gas piping system if the same when installed for use would be in violation of any of the provisions of this section or would be unsafe. The building official must disconnect or order disconnection of any gas appliance, accessory or gas piping that does not conform to the requirements of this section or that may be found defective or in such condition as to endanger life or property. Where such disconnection has been made a notice must be attached to such appliance, accessory or gas piping which must state that it has been disconnected and the reason therefore and such notice may not be removed nor may the appliance, accessory or gas piping be reconnected until it has been made to conform with the requirements of this section and its reconnection has been authorized by the building official. (Amended, Ord. No. 2004-2, Sec. 5)

400.17. Numbering of houses and buildings. Subdivision 1. Numbers required. The owner and each and every occupant of a house or commercial building in the city must place on the front of each such house or commercial building, suitable house or building numbers in accordance with the instructions of the building official. The numbers must be large enough to be read from the street upon which the house or commercial building is located. (Amended, Ord. No. 2004-2, Sec. 6)

Subd. 2. Duties of building official; enforcement. The building official must enforce this subsection. The building official must give the owner or occupant of any house or commercial building that does not conform with this subsection 10 days written notice within which to comply with the terms of this subsection. (Amended, Ord. No. 2001-04, Sec. 1; Ord. No. 2004-2, Sec. 6)

400.19. Enforcement; inspection. The building official shall enforce this section, consistent with the Minnesota State Building Code, as currently adopted. The building official may enter buildings or premises at reasonable times to inspect property or to perform the duties imposed by the building code, consistent with the Minnesota State Building Code, as currently adopted. The building official or an agent designated by the building official may seek warrants authorizing the inspection of property. (Added, Ord. No. 2001-04, Sec. 2; Amended, Ord. No. 2004-2, Sec. 7)

Section 405 - Signs

405.01. Title; scope. Subdivision 1. Title. This section is the sign code of the city and is referred to as "this code."

Subd. 2. Scope. The purpose of this code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building, except as provided herein.

Subd. 3. Enforcement authority; right of entry. The manager is authorized and directed to enforce the provisions of this code. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the manager has reasonable cause to believe that there exists a sign or a condition which makes such sign unsafe, the manager may enter the premises or building on which such sign is located at reasonable times to inspect the sign or to perform any duty imposed upon the manager by this code. If the building or premises on which the sign is located is occupied, the manager will first present proper credentials and demand entry; if the building or premises is unoccupied, the manager must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry is refused, the manager may pursue every remedy provided by law to secure entry. An owner or occupant or any other person having charge, care or control of any building or premise may not, after proper demand is made, refuse to permit entry by the manager for the purpose of inspection and examination pursuant to this code. A person who violates this subdivision is guilty of a misdemeanor.

405.03. Definitions. Subdivision 1. "Approved plastic materials" means those materials having a self-ignition temperature of 650 degrees fahrenheit or greater and a smoke-density rating not greater than 450 when tested in accordance with UBC Standard No. 42-1, in the way intended for use, or a smoke-intensity rating no greater than 75 when tested in the thickness intended for use by UBC Standard No. 52-2. Approved plastics are classified as and must meet the requirement for either CC1 or CC2 plastic.

Subd. 2. "Building code" means the building code contained in section 400.

Subd. 3. "Business" means an establishment, occupation, employment or enterprise where merchandise is manufactured, stored, exhibited or sold, or where services are offered for compensation.

Subd. 4. "Business property" means a parcel of land upon which is located one or more businesses or institutional uses. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 5. "Business proprietor" means a person owning or in effective control of a business.

Subd. 6. "Dwelling" means a building or portion thereof, designed exclusively for residential occupancy including one-family, two-family and multiple-family dwellings; the term does not include motels, hotels, and boarding houses.

Subd. 7. "Effective control" means that control exercised over property by a business proprietor, whether as owner or lessees, or by an owner or lessee of other property.

Subd. 8. "Electric sign" or "electrical sign" means a sign containing electrical wiring; the term does not include signs illuminated by an exterior light source.

Subd. 9. "Electronically or electrically controlled readerboard" means a sign, or section thereof, messages of which may be changed by electronic process or remote control and the only movement of which is the periodic changing of information against a solid, colorless background, having a constant light illumination level. (Amended, Ord. No. 2007-18, Sec. 1; Ord. No. 2013 - 07)

Subd. 10. "Face" or "face of the sign" means the area of a sign on which the copy is placed.

Subd. 11. "Institutional use" means a public building or facility, educational institution, place of worship, or cemetery. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 12. "Limited multiple dwellings" means a dwelling containing four or fewer family units.

Subd. 13. "Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.

Subd. 14. "Multiple dwelling" means a dwelling containing more than four dwelling units.

Subd. 15. "Noncombustible," as applied to building construction materials, means a material that, in the form in which it is used, is either one of the following:

- a) a material of which no part will ignite or burn when subjected to fire: any material conforming to UBC Standard No. 42-1 is noncombustible within the meaning of this section, or
- b) a material having a structural base of noncombustible material as defined in item a) above, with a surfacing material not over 1/8 inch thick that has a flame-spread rating of 50 or less.

The term does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature will refer to material conforming to item a) above. A material is not classed as noncombustible that is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition. "Flame-spread rating" refers to rating obtained according to tests conducted as specified in UBC Standard No. 42-1.

Subd. 16. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways attached to the sign structure.

Subd. 17. "Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Subd. 18. "Sign" means a device, structure, fixture or placard using graphics, symbols, written copy or both for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services.

Subd. 19. "Sign, bench" means a sign affixed to a bench. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 20. "Sign, directional" means an on-premises sign whose function is to provide locational directions. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 21. "Sign, free-standing" means a sign completely or principally self-supported by posts or other supports independent of a building or other structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 22. "Sign, identification" means a sign whose primary function is to identify a business upon the premises; a secondary function of such a sign may be to call attention to products, goods or materials. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 23. "Sign, monument" means a sign mounted directly to the ground with the maximum height not to exceed six feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 24. "Sign, off-premise" means a sign structure advertising an establishment, merchandise, service or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., "billboards" or "outdoor advertising." (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 25. "Sign, on-premises" means a sign that pertains to the use of the premises or the property on which it is located. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 26. "Sign, portable" means a sign so designed as to be movable from one location to another and that is not permanently attached to the ground or any structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 27. "Sign, projecting" means a sign, other than a wall sign, that is affixed to a building and projects outward more than 15 feet from the building wall. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 28. "Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 29. "Sign structure" means a structure that supports or is capable of supporting a sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

Subd. 30. "Sign, temporary" means a sign which is erected or displayed, or both, for a limited period of time. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 31. "Sign, wall" means a sign attached or affixed to the exterior wall of a building and projecting 15 inches or less from the surface of the wall. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 32. "Sign, commercial" means a sign advertising a business, profession, commodity, service or entertainment. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 33. "Sign, non-commercial" means a sign disseminating messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and information topics. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 34. "Street right-of-way" means that area limited by a lot line abutting a public street or alley.

Subd. 35. Terms defined elsewhere in the city code or in material adopted by reference in this section have the meanings given them.

405.05. Licenses. Subdivision 1. License required. It is unlawful to erect, install, reconstruct, alter, repair or remove a roof sign, wall sign, projecting sign, or free-standing sign within the city without a sign hanger's license.

Subd. 2. Application. Application for a sign hanger's license is made on forms furnished by the city clerk. The manager will evaluate and investigate the qualifications of the applicant and report those findings to the city council.

Subd. 3. Bonds and surety. Prior to the issuance of a sign hanger's license, the applicant must submit evidence of public liability and property damage insurance in the amount of \$100,000 because of bodily injury to or death of one person per accident, \$300,000 because of bodily injury to or death of more than one person per accident, and \$100,000 property damage per accident as a result of failure of any work performed by the licensee and save the city harmless from any and all claims for expenses and damages by reason of negligence, for any work performed or product furnished by the licensee. A bond in the amount of \$5,000 must be furnished conditioned such that all work performed by the licensee will be sufficient and secure support and attachments, and proper, suitable and skilled workmanship in the erection, construction, reconstruction, alteration, repair and removal of a sign requiring a permit under the provisions of this section.

Subd. 4. Issuance. The city council issues the sign hanger's license. The council may revoke, suspend or deny a license for cause as provided in appendix IV.

Subd. 5. Fee. The license fee must be submitted with the application for license and is set forth in appendix IV. Local non-profit/civic organizations are exempt from temporary sign permit fees for up to a maximum of six signs per event. Fees in effect at the time of application will be charged for any number of signs beyond six.

Subd. 6. License renewal. The license expires annually on the first Monday in February.

405.07. Permits. Subdivision 1. Permits required. It is unlawful to erect, install, repair, alter, relocate or re-paint a sign within the city, except a permitted sign, as defined in subsection 405.17, subdivision 1, without first obtaining a permit to do so from the manager and payment of a fee as set by appendix IV. Except for temporary signs, permits may only be issued to licensed sign hangers.

Subd. 2. Application for permit. Application for a permit are made upon forms provided by the clerk. The applicant must state or have attached to the application the following information:

- a) name, address and telephone numbers of the applicant.
- b) name, address and telephone number of person owning the sign.
- c) a plot plan to scale, showing the location of lot lines, building, structures, parking areas, existing and proposed signs, and any other physical features.
- d) plans, location and specifications and methods of construction and attachment to the building or placement method in the ground.
- e) copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this code and the city code.
- f) written consent of the owner or lessee (if other than the applicant) of any site on which the sign is to be erected.

- g) an electrical permit if required and issued for the sign.
- h) other information that the manager may require to show full compliance with this code.

Subd. 3. Permit issued if application in order. When an application for a permit is made, the manager must examine the plans, specifications and other data, and the premises upon which the proposed sign is to be erected. If the proposed structure is in compliance with all the requirements of this section and the city code, the permit will be issued. If the work authorized under a permit has not commenced within 180 days after the date of issuance of the permit, the permit is void. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 4. Annual licenses. (Repealed, Ord. No. 2001-02, Sec. 1)

405.09 Design and construction. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, and in full compliance with all requirements of this code. All signs shall be maintained in a safe, presentable condition and shall be structurally sound. Defective parts shall be promptly replaced. All signs shall be in compliance with the most currently adopted versions of the Minnesota State Building Code and 2006 International Building Code Appendix H. (Amended, Ord. No. 2007-18, Sec. 1)

405.11. Electrical signs. Subdivision 1. General. Except as otherwise provided in the code, electrical signs must be constructed of non-combustible materials. The enclosed shell of electric signs must be watertight, but service holes fitted with covers must be provided into each compartment of such signs.

Subd. 2. Installation. Electrical equipment used in connection with electric signs must be installed in accordance with national electrical code provisions regulating electrical installation.

405.13. Measurement standards. Subdivision 1. Area. The area of a sign is computed as follows:

Subd. 2. Calculating the area of the face of the sign. The area of the smallest geometric figure (circle, triangle, rectangle, or trapezoid) within a single continuous perimeter enclosing the extreme limits of the sign is considered the area of the face of the sign. The perimeter does not include any structural elements lying outside the limits of such sign when not forming an integral part of the sign area containing the message.

Subd. 3. Two or more faces. If a sign has two or more faces, the area of all faces will be included in determining the total area of the sign, except that if two sign faces are placed back-to-back, and are at no point more than 30 inches from one another, the area of the sign will be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. The area of free letter wall signs includes a border area equal to the letter spacing.

405.15. General provisions. Subdivision 1. Repair, removal. A sign or sign structure which is rotted, unsafe, defaced or otherwise altered, must be repainted, repaired, or replaced by the permit holder, owner or agent of the owner of the property on which the sign stands, as provided in subsection 405.37. (Amended, Ord. No. 2001-02, Sec. 2)

Subd. 2. Preservation. Signs, together with supports, braces, guys and anchors, must be kept in repair and in proper state of preservation. The faces of signs must be kept neatly painted or attached to the sign structure.

Subd. 3. Electrical signs. Electrical signs must be installed by a licensed electrician in accordance with the national electrical code.

Subd. 4. Signs in streets. Signs, other than governmental signs and courtesy bench signs regulated by chapter VIII, subsection 805.01 of the city code may not be erected or temporarily placed within a street right-of-way or upon any public lands or easements, or rights-of-way.

Subd. 5. Temporary signs. The temporary use of banners, pennants, portable signs and similar devices requires a permit. The permit is valid for seven consecutive days. Not more than six permits for each business property may be granted in a 12-month period. For business properties with multiple tenants, each tenant may be granted no more than four permits in a 12-month period. The permit must be prominently displayed at the principal use in the same manner required for building permits. Temporary signs shall conform to the same location and dimension requirements as permanent signs, including but not limited to subdivisions 6, 7 and 8 in this subsection and 405.19, subdivisions 2 and 4. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 6. Distance to lot line. No part of the sign or sign structure of any free-standing, roof sign or projecting sign may be within ten feet of any lot line except that in C-1, C-2 and I-1 districts, a projecting sign may be equidistant between the side lot lines of the land parcel if the parcel of land is less than 20 feet in width. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 7. Distance from street right-of-way. No part of any free-standing sign, roof sign, projecting sign or sign structure may be nearer than ten feet from the street right-of-way.

Subd. 8. Intersections. A sign or sign structure is not permitted on property at street intersections within a triangular area formed with two legs, lying along the street property line and being 25 feet long, and commencing at the intersection property corner, and the third leg connecting the ends of the other two legs. A sign (but not a sign structure) may be located in the triangular area provided that:

- a) the clearance above street grade is not less than 14 feet;
- b) no part of the sign structure encroaches in the triangular area at an elevation less than 14 feet above street grade;
- c) no other free-standing, roof sign, or projecting sign is located on the premises; and
- d) the provisions of subsection 405.15, subdivision 7, apply.

Subd. 9. Substitution of non-commercial speech permitted. The owner of any sign which is otherwise allowed by this code may substitute non-commercial copy in lieu of any other commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provisions prevails over any more specific provision to the contrary. (Added, Ord. No. 2007-18, Sec. 1)

405.17. Signs allowed without a permit. Subdivision 1. Except as otherwise provided in this subsection, the signs described in the following subsections are allowed without a permit but must comply with other applicable provisions of this code. (Amended, Ord. No. 2001-02, Sec. 3; Ord. No. 2007-18, Sec. 1)

Subd. 2. Public signs. Signs of a public, non-commercial nature, including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty. These signs need not comply with other provisions of the sign code.

Subd. 3. Home occupation identification signs. Signs that identify a lawful home occupation in accordance with section 515 (Zoning) and the address of the premises where the sign is located, but contain no other information. There may be one such sign per premise, not to exceed four square feet in area, not to be illuminated, and set back a minimum of ten feet from any property line. If the sign is free-standing, the total height may not exceed five feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 4. Integral signs. Names of buildings, dates of construction, commemorative tablets and the like, that are of a permanent type of construction and that are an integral part of the building or the structure.

Subd. 5. Political campaign signs. Temporary signs or posters announcing a candidate seeking political office or advocating political issues, and data pertinent thereto may not exceed eight square feet in all zoning districts. Campaign signs must contain the name and address of the person or committee responsible for such sign, and that person or committee will be responsible for its removal. These signs may remain in place for no longer than 45 days before and five days after the election for which they are intended. In state general election years noncommercial signs of any size may be posted from August 1 until ten days following the state general election. Political campaign signs must be confined to private property, may not be placed in the public street right-of-way, are not subject to the setback requirements of 405.15, subdivisions 6 and 7, but are subject to the intersection visibility requirements of 405.18, subdivision 8. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 6. Construction and development signs. A non-illuminated sign, announcing the names of architects, engineers, contractors, or other individuals or firms involved in the construction, alteration, or repair of a building (but not including any advertisement for any other service or product) or real estate development site or subdivision, or announcing the character of the building enterprise, or the purpose for which the building is intended. Construction signs must be confined to the site of the development, construction, alteration, or repair, shall be located on the respective property and not on any adjacent property or public street right-of-way, and shall only be displayed during the lawful duration of the project. One sign may be permitted for each street frontage which the project abuts. In the R-1 and R-2 districts, the area of a construction sign may not exceed four square feet per dwelling unit, up to a maximum of 32 square feet for each construction project or development site having more than one dwelling unit. In the R-3, C-1, C-2 and I-1 districts, the area of a construction sign may not exceed 32 square feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 7. Holiday signs. Signs or displays that contain or depict a message pertaining to a national or state holiday and no other matter, displayed for a period not to exceed 45 days.

Subd. 8. Individual property sale or rental signs. An on-premises sign announcing the name of the owner, manager, realtor or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. The signs must be removed within 14 days after sale or rental of property. The signs may not be illuminated. The signs may not measure more than four square feet in R-1, R-2, and R-3 districts. Only one sign per premise is permitted. Corner properties may contain one sign for each street frontage. Such signs must be confined to private property, may not be placed in the public street right-of-way, are not subject to the setback requirements of 405.15, subdivisions 6 and 7, but are subject to the intersection visibility requirements of 405.15, subdivision 8. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 9. Product identification signs. A product identification sign is an emblem, decal, design illustration, or device, not located on a sign structure, that is placed on and intended to draw attention to a product contained in a container, vehicle or structure, or to a service offered by the owner of such container, vehicle or structure.

Subd. 10. Garage sale signs. Signs identifying the location and times of a garage sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. The signs may not exceed four square feet in area per side, may not be placed on or attached to any utility pole or public signs, and are subject to the provisions of subsection 405.15, subdivision 8. Garage sale signs must be removed within 24 hours of the time stated on such sign for the conclusion of the sale, and such time must be stated on the sign. For purposes of this subsection a garage sale is an occasional sale, of limited duration, of used goods or merchandise conducted by a property owner on the owner's premises.

Subd. 11. Recreational area signs. Signs may be placed on the interior surface of fencing surrounding a recreational area used for organized sports functions including, but not limited to, little league, Babe Ruth leagues and similar activities. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 12. Directional signs. A sign may be placed at or near primary vehicular entrances to an establishment provided that the sign:

- a) is placed so as not to impair the vision of motorists either on a public street or entering or exiting therefrom;
- b) is set back at least one foot off the property line (the signs are exempt from other setback provisions);
- c) may not exceed six square feet in area nor six feet in height; and
- d) may not contain any advertising copy other than the name of the shopping center or establishment, its logo, or both, and the relevant directional information.

405.19. Special provisions for C-1, C-2 and I-1 zoning districts. Subdivision 1. Number and type of signs in C-1, C-2 and I-1 districts. A business property is limited to the following number and type of signs:

one free-standing sign in addition to wall signs, or

one projecting sign in addition to wall signs.

A property abutting more than one street may have one additional free-standing or projecting sign on one of the additional street rights-of-way (except as provided in subsection 405.15, subdivision 8) provided that such street right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other free-standing, projecting or roof sign on the property. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 2. Free-standing signs. Free-standing signs in C-1, C-2, and I-1 zoning districts are subject to the following requirements: (Amended, Ord. No. 2007-18, Sec. 1)

- a) a maximum height of 25 feet. The height of free-standing signs is measured from the center line of the street nearest to the proposed sign location.
- b) a free-standing sign is not permitted on any street right-of-way frontage of less than 50 feet width, the provisions of subsection 405.19, subdivision 1 notwithstanding.
- c) the area of a free-standing sign may not exceed:

<u>Street designation</u> (of street abutting frontage)	<u>Area allowable</u> (in square feet)
Principal arterial	200
Minor arterial and major collector	150
Collector	100
Local	50

For the purpose of establishing free-standing sign area allowances, frontage is that width of property abutting the public right-of-way from which the sign is intended to be viewed or, if that width cannot be determined, the width of the property that abuts the closest street to the proposed sign location.

- d) The area of a free-standing sign is limited to one square foot of frontage on the public right-of-way. This allotment may not exceed the limits set forth in clause c) above.
- e) A free-standing sign will not be permitted within 50 feet of a residence or any district zoned R-1, R-2, R-3, or of a public park, school, library, church, or similar institution or government property. (Amended, Ord. No. 2007-18, Sec. 1)
- f) The minimum setback for a free-standing sign, or any part thereof (including the supports, structure, display or trim) will be ten feet, regardless of the sign's size.

Subd. 3. Projecting signs. Projecting signs in C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. No. 2007-18, Sec. 1)

- a) Minimum clearance of sign. Projecting signs must have not less than ten feet minimum clearance above grade and no sign may project more than four feet six inches from the face of the building to which it is attached; a sign may not project beyond the property line.
- b) Maximum area and height of sign. A projecting sign may not exceed the maximum height herein provided for free-standing signs. The area may not exceed 10% of the total area of the building frontage, either individually or in combination with wall signage.
- c) A projecting sign is not permitted within 50 feet of any district zoned for residential purposes (R-1, R-2, and R-3) or of any public park, school, library, church or similar institution, or government property. (Amended, Ord. No. 2007-18, Sec. 1)

- d) A projecting sign may not extend upward to a point higher than the roof line of the building to which the sign is attached.

Subd. 4. Wall signs. Wall signs in the C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. 2007-18, Sec. 1)

- a) The total area of all wall signs and projecting signs may not exceed 10% of the area of the wall it is on, up to a maximum as defined by the street designation scheme contained in subsection 405.19, subdivision 2 c). For the purposes of assigning a street designation, that street from which the sign is intended to be viewed is used. In commercial or industrial districts, buildings exceeding 80,000 square feet in size on lots of over 200,000 square feet are permitted to have wall signage of up to 250 square feet. The maximum number of signs that will be permitted on each wall is two. The area of free letter wall signs will include border area equal to the letter spacing. Wall signs may not extend beyond the ends of the wall. (Amended, Ord. No. 94-7, Sec. 1)
- b) A wall sign may be displayed on the side or rear of a building facing a yard not abutting on a street under the following conditions:
 - 1) The sign is visible from a public roadway on which the building abuts.
 - 2) The side or rear yard on the side of the building to be signed must meet district setback and buffering requirements.
 - 3) The sign(s) may not be larger in area than the largest sign permitted elsewhere on the building.
 - 4) If the side or rear yard on the side of the building to be signed abuts a park property or a residential district, any lighting of sign must be shielded in accordance with zoning code provisions in subsection 515.13. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 5. Canopies and marquees. Canopies and marquees in the C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. No. 2007-18, Sec. 1)

- a) Signs may be attached to canopies and marquees. A sign above or below the canopy or marquee is considered a projecting sign. A sign on the face of the canopy or marquee is considered a wall sign.
- b) Canopies and marquees are a part of the building structure but the area of canopies and marquees may not be used in the computation of total wall area.
- c) Signs attached to canopies or marquees may not extend over the roof line of the building structure.
- d) Signs attached below a canopy or marquee may not be less than eight feet above the grade below.

Subd. 6. Bench signs. An advertising matter may not be placed on benches unless the bench bears a legend indicating the name of the person donating or sponsoring the bench. The advertising copy may not exceed 12 square feet in area.

405.21. Special provisions for residential zoning districts. Subdivision 1. In the R-1, R-2 and R-3 districts, multiple family dwellings and institutional, commercial or industrial uses may have monument signs subject to the following limitations: (Added, Ord. No. 2007-18, Sec. 1)

- a) No monument sign shall exceed six feet in height above the average grade around the perimeter of the sign. (Added, Ord. No. 2007-18, Sec. 1)
- b) No monument sign shall exceed 75 square feet in area. (Added, Ord. No. 2007-18, Sec. 1)
- c) No more than one monument sign is permitted per business property, except that parcels fronting on more than one principal arterial, minor arterial or major collector may have a monument sign on each such frontage, provided such frontage is at least 150 feet in width. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 2. In the R-1, R-2 and R-3 districts, multiple family dwellings and institutional, commercial or industrial uses may have wall signs subject to the following limitations: (Added, Ord. No. 2007-18, Sec. 1)

- a) Wall signs are only permitted on walls fronting on a public street or facing other property used for institutional, commercial or industrial purposes. (Added, Ord. No. 2007-18, Sec. 1)
- b) No more than one sign is permitted on each wall. (Added, Ord. No. 2007-18, Sec. 1)
- c) No wall sign shall exceed 10% of the wall area or 75 square feet in area, whichever is less. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 3. Multiple family dwellings may have one identification sign per building containing the name of the building or complex. Such signs shall not exceed four square feet in the R-1 district and 12 square feet in the R-2 and R-3 districts. (Added, Ord. No. 2007-18, Sec. 1)

405.23. Prohibited signs. The following signs are prohibited by this code:

- a) A sign that obstructs or distracts the vision of drivers or pedestrians, or detracts from the visibility of any official traffic control device.
- b) A sign that contains or imitates an official traffic sign or signal, except for private, on-premise directional signs.
- c) A sign that rotates more than five revolutions per minute. A moving part of any rotating sign may not extend more than four feet from the rotational axis.
- d) A sign that contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, except as provided in subsection 405.15, subdivision 5.
- e) Portable signs, except as provided in subsection 405.15, subdivision 5.
- f) Signs that are tacked or posted on trees, fences, utility poles, or other such supports.
- g) Signs painted directly on walls of buildings; this clause does not apply to temporary on-premise signs painted on the window portion of a wall.
- h) Signs displaying moving parts, or illuminated with any flashing or intermittent lights, or animated except as provided below:

Electronically or electrically controlled readerboards that provide time and temperature, public service information, or on-site advertising are permitted provided that the sign:

- 1) meets all the requirements of this section;
 - 2) displays a given copy or graphic image for a minimum of three seconds within the readerboard frame if having lamps of a single color, or for a minimum of two minutes if having lamps of more than one color;
 - 3) is included in an otherwise permitted and conforming wall, free-standing or monument sign, and the area of the readerboard may not exceed 50% of the total area of the sign in which it is integrated, or 50 square feet, whichever is less, and only one readerboard per premise is allowed; (Amended, Ord. No. 2007-18, Sec. 1; Ord. No. 2013 - 07)
 - 4) displays a static message with no fade, dissolve, scrolling, spinning or zooming action; and (Added, Ord. No. 2007-18, Sec. 1)
 - 5) does not cast light on any public street in excess of 1 foot candle at the lot line along said street, or in excess of 0.4 foot candle at the lot line of any residential property. (Added, Ord. No. 2013 - 07)
- i) Unshielded display lighting that permits light to be directed at traffic in such brilliance that it may impair or distract the vision of the driver of a motor vehicle.
 - j) A sign or illumination that may interfere, obscure, or cause confusion with an official

traffic sign or signal. This provision is applicable to indoor signs visible from public streets.

- k) Roof signs.
- l) Off-premise signs. (Added, Ord. No. 2007-18, Sec. 1)
- m) Animated signs that utilize any motion picture, laser or visual projection of images or copy in conjunction with any business or advertisement. (Added, Ord. No. 2007-18, Sec. 1)
- n) Signs attached to or painted on motor vehicles or trailers that are parked on or adjacent to a property for more than 24 consecutive hours, the principal purpose of which is to attract attention to a product sold or business located on the property. This is not meant to include logos and product identification signs on trucks and equipment as described in 405.17, subdivision 11, unless it is used as a stationary advertising device for more than 24 hours. (Added, Ord. No. 2007-18, Sec. 1)

405.25. Variations. Subdivision 1. Purpose. To provide for flexibility and a reasonable interpretation of the provisions of this code, a permit applicant who wishes the council to vary the strict application of the provisions of this code may file a variance application. It is the policy of the city to ensure that no variance is granted that violates the literal provisions, intent or spirit of this code without the satisfaction of the several criteria specified in subsection 405.25, subdivision 3, below, which constitute undue hardship.

Subd. 2. Procedure. A person seeking a variance from the provisions of this code may apply to the manager showing such information as may be required to properly identify the sign and the proposed conditions of the requested variance. Upon receipt of the application and the fees required by appendix IV, the manager must forward the application to the planning commission together with necessary documentation and such other information as in the manager's judgment is necessary for the planning commission to make a recommendation.

Subd. 3. Hearing. The planning commission will hear the application at its next regular meeting, or as soon thereafter as is practicable. The commission, acting as the board of adjustment and appeals, must make its recommendation to the city council within 60 days. After reviewing the written recommendation of the planning commission, the council will consider requests for variances from the literal provisions of the code in instances where their strict enforcement would cause an undue hardship because of circumstances unique to the individual property under consideration and may approve the granting of variances where such an action will be in keeping with the spirit and intent of this code. The council may conduct a public hearing on such notice as the council deems advisable, about the variance request prior to council consideration of the request. Before the council may grant a variance, it is the responsibility of the applicant to prove, and the council must make the following findings:

- a) that there are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property similarly situated;
- b) that the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated, but which right is denied to the property in question;
- c) that the strict application of this code would constitute an undue hardship;
- d) that the granting of the variance would not be materially detrimental to the public health, safety or general welfare;
- e) that the alleged difficulty or hardship is caused by this code and has not been created by any persons presently having an interest in the parcel;
- f) that the difficulty or hardship is not based solely on economic considerations; and
- g) that the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, or interfere with the function of the police and fire department of the city.

Subd. 4. Lapse of variance. If within a period of one year after the granting of a variance, the work as permitted thereby is not completed the variance will lapse unless such time is extended by the council. The application for the same variance will not be considered by the council for a period of one year after such lapse.

Subd. 5. Termination of variance. A variance granted after the effective date of this section will terminate upon a change in the effective control of:

- a) the business property upon which the sign is located;

- b) the business to which the sign relates;
- c) the property on which the sign is located.

405.27. Non-conforming signs. Subdivision 1. Defined. A non-conforming sign is a sign or sign structure that was lawful at the time it was installed or constructed, but does not meet the requirements of this code. The term includes a sign that was granted a variance prior to the effective date of this code where the variance permitted conditions that do not conform to the provisions of this code. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 2. Non-conforming signs. Any nonconforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless the sign is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no sign permit has been applied for within 180 days of when the sign is damaged. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 3. Removal. A non-conforming sign must be removed as provided in subsection 405.37, when the owner is notified that the sign is unsound, damaged, in disrepair, or hazardous. Failure of notification on the part of the city will not place any liability on the part of the city nor absolve or mitigate any liability on the part of the owner of such sign. (Amended, Ord. No. 2007-18, Sec. 1)

405.29. Special area identification provision for multiple use buildings. Multiple use buildings are considered a single commercial establishment and are limited to one free-standing sign per qualifying street frontage, up to the limit set forth in subsection 405.19. However, in order to achieve a higher degree of area identification while pursuing the goal contained in the municipal comprehensive plan of reducing signage in the city, multiple use buildings located at a street intersection may opt to combine the free-standing sign area allowances for the two individual qualifying frontages into a single sign provided that:

- a) all setback requirements are met, including those provided in subsection 405.15, subdivision 8;
- b) the sign is placed within 35 feet of the intersection of the two streets in question and is intended to be viewed from both streets; and
- c) the total area of such sign may not exceed an area equal to 2/3rds of the sum of the area allowances for free-standing signs for the individual frontages, as provided in 405.19, subdivision 2, clauses c) and d).

405.31. Comprehensive sign plan required. Subdivision 1. General. Upon the first occasion of annual permit renewal after the effective date, owners (or their designated operating agents) of shopping centers and multiple use buildings of two or more businesses or industries, if they have not already done so, must submit a comprehensive sign plan to the manager for approval. The manager's approval will be contingent upon a) demonstrated consistency with all applicable provisions of this code and b) consistency with any other design guidelines or principles which have been applied to the area within which the development is contained, including, but not limited to, special provisions of a designated redevelopment project over a development district.

Subd. 2. Conformance. Signs erected within the shopping center or multiple use building must conform to the conditions of the sign plan.

Subd. 3. Non-conforming signs. Existing signs within a multiple use development that do not meet the requirements of this section or the development's sign plan are non-conforming signs and are subject to the restrictions set forth in subsection 405.27.

405.33. Illuminated signs. Where a sign is illuminated, the source of light may not be directed upon any part of a residence or into any area zoned for residential use. Such illumination must be indirect or diffused.

405.35. (Deleted, Ord No. 2007-18, Sec. 1)

405.37. Violations; notice; procedures. Subdivision 1. Nuisance declared. Signs placed, erected, or maintained in violation of this section are declared a public nuisance and may be abated as such.

Subd. 2. City manager; powers. If the manager finds a sign being erected by an unlicensed person, where a license is required, or finds a sign being erected without a permit or where continuation of such sign erection would constitute an immediate threat to the safety of the public, the manager must immediately orally notify the person erecting the sign that the action is in violation of this ordinance and will issue a stop-order as to such erection in the same manner as provided in the building code. It is unlawful to continue such erection after the notification provided for in this subsection.

Subd. 3. Notice. If the manager finds a sign placed, erected or maintained in violation of this section the manager will notify the owner of the sign, and the owner of the property upon which the sign is located of such violation. The notice must be in writing, handed to or mailed to the last known address of such person or persons. The notice must state in substance the nature of the violation and that if the sign is not removed or action taken to make the sign comply with this section within five days excluding Saturdays, Sundays and legal holidays, of receipt of the notice, the manager may cause the sign to be removed and disposed of by any appropriate means.

Subd. 4. Cost of removal. The cost of removal of a sign in violation of this section will be computed by the manager and will be assessed against the property involved as in the manner provided for in Minnesota Statutes, section 429.101.

Subd. 5. Penalty. It is unlawful for any person to fail to modify or remove a sign after the expiration of the five-days' notice provision of this subsection or to fail to comply with a lawful order given by the manager with respect to a sign. Violation of the provisions of this code is a misdemeanor.

Section 410 - Moving Buildings

410.01. Definitions. Subdivision 1. For the purposes of section 410, the terms defined in this subsection have the meanings given them.

Subd. 2. "Building" means any structure subject to the provisions of the state building code and section 400 of this code. The term also includes farm buildings and dwellings.

Subd. 3. "Removal location" means a location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this section.

410.03. House mover's license. It is unlawful to move, remove, raise, or hold up any building within the limits of the city without a license to do so by the city. License fees are set by appendix IV of this code. Upon the filing of an application for a house mover's license, the application will be referred to the building official who must make an investigation of the qualifications of the applicant to carry on the work of moving, raising and holding up buildings and report findings thereon to the council. Upon a report being filed with the council and the execution of the required bond and its acceptance by the council such license may be granted or refused, in the discretion of the council. A license may not be granted to any person less than 21 years of age. (Amended, Ord. 2004-2, Sec. 8)

410.05. Insurance and bond. A house mover's license may not be issued unless the applicant first files with the clerk a policy or policies of insurance insuring the applicant against liability imposed by law in the limits of \$100,000 because of bodily injury or death of one person per accident; \$300,000 because of bodily injury to or death of two or more persons per accident, and \$100,000 property damage liability per accident. The policy must provide that it may not be cancelled by the insurer except upon notice to the city. In case of cancellation of such insurance the license will be automatically suspended until the insurance has been replaced. A license may not be granted until the party applying therefor has given a bond in the sum of \$3,000 with good and sufficient sureties to be approved by the city attorney and the council, and conditioned that the party will save, indemnify and keep harmless, the city against all liabilities, judgments, costs and expenses, that in any way accrue against the city in consequence of the granting of the license, including the cost of the city for the services of public utility maintenance personnel necessitated by the moving of any building, and will comply with the provisions of this section and with the conditions of any permits which may be issued to them.

410.07. Building moving permit. Subdivision 1. Prohibition. It is unlawful for a licensed house mover to move a building over, along or across any highway, street or alley in the city without first obtaining a building moving permit from the building safety division. (Amended, Ord. No. 2004-2, Sec. 9).

Subd. 2. Application. A person seeking issuance of a permit must file an application with the building safety division on forms provided by the building safety division. The application must set forth the following information: (Amended, Ord. No. 2004-2, Sec. 9)

- a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and photographs, showing ground and street elevations;
- b) A legal description of the premises from which the building is to be moved;
- c) A legal description of the premises to which it is proposed the building be moved, if located in the city;
- d) The portion of the premises to be occupied by the building when moved if located in the city;
- e) The highways, streets and alleys over, along or across which the building is proposed to be moved;
- f) The proposed moving date and hours; and any additional information which the department finds necessary to make a determination of whether a permit should be issued.

Subd. 3. Filing date of application. The application for a building moving permit must be made at least 30 days prior to the proposed moving date in order to allow the departmental personnel to make the inspection required.

Subd. 4. Certificate of non-incumbrance. The owner of the building to be moved must file with the application sufficient evidence that the building and lot from which it is to be removed are free of any mortgages, liens or other encumbrances and that all taxes and any other charges against the real and personal property are paid in full.

Subd. 5. Certificate of ownership or entitlement. The applicant must file with the application a written statement or bill of sale or other sufficient evidence that the applicant is entitled to move the building.

Subd. 6. Permit fee. The application must be accompanied by the permit fees required by appendix IV of this code together with a sufficient sum, as estimated by the building inspector, to cover all other charges required under the terms of this section.

410.09. Deposit for expense. Subdivision 1. Amount. Upon receipt of an application for a building moving permit, the department will compute an estimate of the expenses that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official will require of the applicant a deposit of a sum of money equal to the amount of the estimated expenses. (Amended, Ord. No. 2004-2, Sec. 10)

Subd. 2. Accounting. After the building has been removed, the building safety division must furnish the clerk with a written statement of all expenses incurred in removing and replacing all property belonging to the city and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. If any wires, poles, lamps or other property are not located in conformity with this code, the permittee is not liable for the cost of removing them. The clerk may authorize the building safety division to return to the applicant all deposits after the deduction of a sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application will not be returned. (Amended, Ord. No. 2004-2, Sec. 10)

Subd. 3. Expenses above deposit. The permittee is liable for any expense, damage or costs in excess of deposited amounts or securities. The city attorney must prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such damages, costs or expenses.

Subd. 4. Unsafe premises. The city will do the work necessary to leaving the original premises in a safe and sanitary condition if the permittee does not comply with the requirements of this section. The cost thereof will be charged against the house mover's deposit.

410.11. Duties of building official. Subdivision 1. The building official has the powers and duties enumerated in this subsection in connection with building moving. (Amended, Ord. No. 2004-2, Sec. 11)

Subd. 2. Inspection. The building official must inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met. (Amended, Ord. No. 2004-2, Sec. 11)

Subd. 3. Standards. The building official must refuse to issue a permit if it is found that: (Amended, Ord. No. 2004-2, Sec. 11)

- a) any application requirement or any fee or deposit requirement has not been complied with;
- b) the building is too large to move without endangering persons or property in the city;
- c) the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- d) the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

- e) the applicant's equipment is unsafe and that persons and property would be endangered by its use;
- f) zoning regulations or other portions of this code would be violated by the building in its removal location;
- g) for any reason persons or property in the city would be endangered by the moving of the building;
- h) the building to be moved is not worth at least 50% of the cost of a similar new building;
- i) the building in its removal location would fail to comply in any respect with any provision of this code or that proper assurances of future compliance have not been given.

Subd. 4. Permit fees and deposits. The department must deposit all fees and deposits with the city in the same manner as all other receipts to the city are deposited. If the building official refuses to issue the permit, all deposits, bonds and insurance policies will be returned to the applicant. Permit fees filed with the application will not be returned. (Amended, Ord. No. 2004-2, Sec. 11)

Subd. 5. Designate streets for removal. The department must obtain from the director of public works a list of designated streets, railroad crossings and bridges over which the building may be moved. The list must be approved by the chief of police and reproduced on the permit. In making their determinations, the director and the chief must assure maximum safety to persons and property in the city and minimize congestion and traffic hazards on public streets.

410.13. House mover's duties. Subdivision 1. General. Permittees under this section must conform to the provisions of this subsection.

Subd. 2. Designated streets. The permittee must move a building only over streets designated for such use in the written permit.

Subd. 3. Changes. The permittee must notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

Subd. 4. Damage. The permittee must notify the building inspector of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred.

Subd. 5. Warning signals. The permittee must display red lights on every side of the building during the nighttime and red flags during the daytime while building is being moved or standing on a street, in such manner as to warn the public of the obstruction, and must where necessary erect and maintain barricades across the streets in a manner to protect the public from damage or injury by reason of the removal of the building.

Subd. 6. Time limit. The permittee must remove the building from the city streets after four days of presence thereon, unless an extension is granted by the department.

Subd. 7. Other provisions. The permittee must comply with the building code, the zoning regulations, and all other applicable portions of this code.

Subd. 8. Police protection. The permittee must pay the expense of a traffic officer, ordered by the chief of police, to accompany the movement of the building to protect the public from injury at the rate specified in appendix IV of this code.

Subd. 9. Restoration of premises. The permittee must remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the city, so that the premises are left in a safe and sanitary condition.

410.15. Miscellaneous building moving conditions. Subdivision 1. Other requirements. In addition to other provisions of this section, the provisions of this subsection apply to the moving of buildings within the city.

Subd. 2. Land covenants. Where the removal location of any building is known by the building official to be subject to any restrictive covenants of record, the building official must not issue a permit under the provisions of this section until satisfied that all of the terms and conditions of the covenants have been complied with. (Amended, Ord. No. 2004-2, Sec. 12)

Subd. 3. Neighborhood conformity. A permit may not be issued unless the building official is satisfied that the building moved will in its removal location conform to the general character and to the type of architecture of the neighborhood. (Amended, Ord. No. 2004-2, Sec. 12)

Subd. 4. Non-interference. This section does not affect, abrogate, or annul any easement, covenant, or other agreement between parties. If this section imposes a greater restriction than is imposed by any other ordinance, rule, regulation or by easements, covenants, or agreements, the provisions of this section control.

Subd. 5. Additional fees. The applicant must pay, in addition to all other required fees, an additional fee for mileage traveled by each inspector of the building safety division in making any inspection under the provisions of this section or any other ordinance of the city computed from the city hall to the site, location or premises where an inspection is to be made, together with an hourly fee for each inspector for the time spent in connection with the inspection. The charges are computed at the rates specified in appendix IV. (Amended, Ord. No. 2004-2, Sec. 12)

Section 415 - Grading

415.01. Appendix chapter J (Grading), of the 2006 International Building Code, as amended, adopted by reference in chapter IV of this code is amended by adding the following: "The building official may require a person proposing a grading project, defined as any excavation or filling or combination thereof, to submit a detailed grading plan. The building official's determination of whether the proposed grading project requires a permit under this section is final." (Amended, Ord. No. 95-12, Sec. 2; Ord. No. 2004-2, Sec. 13; Ord. No. 2007-08, Sec. 2)

415.03. Fees. The fees for grading permits are set by appendix IV to this code.

415.05. Permits. Notwithstanding Appendix chapter J (Grading), of the 2006 International Building Code, as amended, grading permits are granted by the city council. The council may impose reasonable conditions on the permittee including the posting of a suitable bond or other security. (Amended, Ord. No. 95-12, Sec. 3; Ord. No. 2004-2, Sec. 14; Ord. No. 2007-08, Sec. 3)

415.07. Compliance; penalty. It is unlawful for a person to fail to (i) secure a required grading or excavation permit, (ii) comply with the conditions of that permit, (iii) complete the excavating or grading in the time or extension of time prescribed by the permit, or (iv) act in accordance with the requirements of the permit or this code.

415.09. Suspension. The building official may suspend the permit and order the permittee to comply with the terms and conditions of the permit within ten days. No work other than that necessary to comply with the building official's order may be performed during the compliance period.

415.11. Revocation. The council may, on the recommendation of the building official, revoke a grading permit for violation of this section or to otherwise protect the public health and safety.

Section 420 - Housing and redevelopment

420.01. Housing and redevelopment authority; membership. The commissioners of the housing and redevelopment authority of the city of Crystal will consist of no more than three members of the city council and no less than two other residents of the city, all of whom are appointed by the mayor with the approval of the city council. For the purposes of this ordinance, the mayor is a member of the council.

420.03. Vacancies. If a member of the city council who is a commissioner vacates the office of councilmember, or if the councilmember completes the term of office and is not re-elected to the office, the council must declare the office of commissioner vacant, and the vacancy is to be filled by appointment for the uncompleted portion of the term. The person so appointed need not be a councilmember.

420.05. Authority. This ordinance is enacted pursuant to the provisions of Laws of Minnesota 1974, chapter 124, and the Minnesota housing and redevelopment act.

(NOTE: This section is included for informational purposes only. The Crystal economic development authority exercises the powers of the housing and redevelopment authority.)

Section 425 – Property maintenance code

(Repealed, Ord. 2007-06)

(Added, Ord. 2007-06)

425.01. Short title. This section may be cited as "The city of Crystal property maintenance code", or the "property maintenance code".

425.03. Policy; purpose; objectives; intent. Subdivision 1. Policy. It is the policy of the city to enhance the supply of safe, sanitary and adequate housing for its citizens and to prevent the deterioration of property in the city, including buildings, other structures, site improvements and landscaping.

Subd. 2. Purpose. The purpose of the property maintenance code is to carry out the policy stated in subdivision 1 by establishing minimum standards and procedures for its enforcement for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of buildings and property.

Subd. 3. Objectives. The objectives of this code include, but are not limited to, the following:

- a) Protection and preservation of the stability, quality and character of all areas and structures in the city.

- b) The prevention and correction of conditions that adversely affect or are likely to adversely affect the life, safety, and general welfare and health, including the physical, mental and social well-being of persons occupying or utilizing structures in the city.
- c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure health and safety.
- d) The establishment of minimum standards for the maintenance of property, and thus to prevent deterioration and blight.
- e) The prevention of overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.
- f) The preservation of the value of land and buildings in the city.

Subd. 4. Intent; relation to the provisions of city code. The city council intends that the property maintenance code be an integral part of the city's program of health, safety, building, and land use regulation. This code is to be construed liberally in conjunction with other provisions of the city code to give effect to the policy, purpose, and objectives of this section, but is not to be construed to modify, amend or otherwise alter the provisions of the city code relating to health, safety, building or land use regulation.

Subd. 5. General requirements.

- a) The requirements of this property maintenance code shall apply to all buildings, structures and property within the city.
- b) All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with the city and state codes, must be maintained in conformity with the requirements of the codes in effect at the time of construction or installation.
- c) State statutes and codes that apply to or affect existing buildings are considered part of the code.
- d) Specific requirements of other sections of this code, including, but not limited to, zoning, fire and nuisances, shall supersede the general requirements of section 425 of this code.
- e) In cases where a conflict may occur between requirements of this section or other codes, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the city shall govern.

- f) Separability. Every section, provision, or part of this property maintenance code is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this property maintenance code shall be held invalid by a court of law, it shall not invalidate any other section, provision, or part thereof.

425.05. Adoption of international property maintenance code by reference. Subdivision 1. Code adopted. The International Property Maintenance Code, 2006 edition, as published by the International Code Council and as it may be amended, is adopted as the property maintenance code of the city, for the control of buildings, structures and property as provided in this section, and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this section as if fully set out in this section, with the additions, insertions, deletions and changes as set forth in section 425.05, subdivision 2 “Revisions” of this code.

Subd. 2. Revisions. The following sections of the International Property Maintenance Code, 2006 edition, are revised as follows:

- a) Section 101.1. Title. Amended to read: These regulations shall be known as the property maintenance code of the city of Crystal, hereinafter referred to as property maintenance code.
- b) Section 102.3. Application of other codes. Amended to read: Repairs, additions or alterations to a structure of changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and the Crystal city code.
- c) Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this property maintenance code shall mean the applicable provision of the Crystal city code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.
- d) Section 103.2. Appointment. Delete entire section and amend to read: The city manager or the manager’s designee shall be the code official responsible for the administration and enforcement of this code.
- e) Section 103.5. Fees. Amended to read: The fees for activities and services performed by the city in carrying out its responsibilities under this code are established in appendix IV, as amended from time to time.
- f) Section 111. Means of appeal. Delete entire section and amend to read:
 - 1) Appeals. Appeals of correction or compliance orders issued by the city pursuant to the property maintenance code are governed by and subject to the provisions of section 306 of the Crystal city code.

- 2) Penalties. Any person who fails to comply with a correction or compliance order after right of appeal has expired, and any person who fails to comply with a modified correction or compliance order within the time set therein, and any person who violated any of the provisions of this property maintenance code by doing any act or omitting to do any act that constitutes a breach of any section shall be subject to administrative citations and civil penalties contained in sections 306.07 through 306.17 of the city code.
 - 3) Alternative sanctions. In the case of commercial facilities and rental dwellings that require licensing, said licensing may be revoked or renewal withheld until compliance with this property maintenance code in accordance with licensing provisions contained in section 1005.21 of the city code.
 - 4) Execution of correction or compliance order by public authority. Upon failure to comply with a correction or compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified correction or compliance order within the time set therein, the city may cause the cited deficiency to be remedied as set forth in section 306 of the city code.
- g) Section 202. General definitions. Amended by adding:
- 1) “Occupied” for dwelling units means occupied areas will include those areas designated and utilized as habitable space, as well as non-habitable spaces that are easily accessible and normally utilized by the occupants. For nonresidential facilities, occupied areas will include all areas utilized in the operation of whatever use occupies the building.
 - 2) “Unsanitary” as applied to a structure means failure to maintain healthy conditions and liable to be a danger or hazard to the health of persons occupying or frequenting it, or to the public, if such danger arises from the methods or materials of construction, or from equipment installed therein for the purposes of lighting, heating, ventilation, or plumbing, or from existing conditions liable to cause rat infestation, vermin infestation, accumulation of trash or debris in the building, yards or accessory structure on the premises or from mold-causing conditions. Same as unsanitary.
- h) Section 302. Exterior Property Areas. Amended by adding an amended Section 302.3, and adding Sections 302.10, 302.11 and 302.12, to read: (Amended, Ord. 2008-08)

- 1) Section 302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All driveways and lawful auxiliary spaces shall be hard-surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer. Alternative hard-surfacing such as pavers may be approved on a case-by-case basis by the city engineer upon a determination that the standards of Crystal City Code Section 515.17, Subd. 4 g) 8) can be met. Any non-hard-surfaced driveways existing at the time of inspection for rental license shall be hard-surfaced within 180 days of issuance of a rental license, whether new or renewal. (Amended, Ord. 2015-06)
 - 2) Section 302.10. Removal of snow and ice. The owner of an apartment or commercial building shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises within 24 hours of the cessation of the snowfall causing the accumulation. (Amended, Ord. 2008-08)
 - 3) Section 302.11. Illumination. The owner of a multiple occupancy building shall be responsible for providing and maintaining illumination in all exterior parking lots and walkways with provisions to control glare affecting surrounding properties. (Amended, Ord. 2008-08)
 - 4) Section 302.12. Landscaping in yards and setbacks. The owner of any building shall be responsible for providing and maintaining landscaping in all yards and/or setbacks and all areas not designated for buildings, circulation, parking or storage on the premises. (Amended, Ord. 2008-08)
- i) Section 304.13. Window, skylight and doorframes. Amended by adding section 304.13.3. Storm windows.
- 1) Section 304.13.3. Storm windows. All operable windows with a single layer of glass must be provided with tight fitting storm windows. Storm windows may be temporarily removed to allow for the installation of screens during periods of warm weather.
- j) Section 304.14. Insect screens. Insert: June 1 to September 1. (Added Ord. 2012-04, Sec. 1)

- k) Section 304.15. Doors. Amended by adding section 304.15.1. Apartment security system. (Amended, Ord. 2012-04, Sec. 1)
- 1) Section 304.15.1. Apartment security system. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying apartment dwellings, an approved security system shall be maintained for each apartment building to control access. The security system shall consist of locked building entrance or foyer doors and lock doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of the building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that is permanently locked from the outside and permanently unlocked from the inside.
- l) Section 402. Light. Amended by adding Section 402.4.
Section 402.4. Convenience switches. A convenience switch or equivalent device for turning on a light in each dwelling unit shall be located near the points of entrance to such unit. (Amended, Ord. 2012-04, Sec. 1)
- m) Section 404.5 Overcrowding. Amended to read as follows: In order to prevent conditions that endanger the life, health, safety or welfare of the occupants, no dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 150 square feet of gross floor area of finished space in the dwelling unit. For the purposes of this section, finished space excludes kitchens, bathrooms and utility rooms. (Amended, Ord. 2012-04, Sec. 1)
- n) Section 505.1. General. Delete all references to the “International Plumbing Code” and replace with “Minnesota State Building Code.” (Amended, Ord. 2012-04, Sec. 1)
- o) Section 602.2. Residential occupancies. Delete the reference to Appendix D of the “International Plumbing Code” and replace with “Minnesota State Building Code.” Also, delete 65° F (18° C) and replace with 68° F (20° C). (Amended, Ord. 2012-04, Sec. 1)
- p) Section 602.3. Heat supply. Insert: September 1 to June 1 and delete 65° F (18° C) and replace with 68° F (20° C). Delete the reference to Appendix D of the “International Plumbing Code” and replace with “Minnesota State Building Code.” (Amended, Ord. 2012-04, Sec. 1)
- q) Section 602.4. Occupiable workspace. Insert: September 1 to June 1 and delete 65° F (18° C) and replace with 68° F (20° C). (Amended, Ord. 2012-04, Sec. 1)

- r) Section 604.2. Service. Delete the reference to the “ICC Electrical Code” and replace with “Minnesota State Building Code.” (Amended, Ord. 2012-04, Sec. 1)
- s) Section 702. Means of egress. Delete all references to the “International Building Code” and replace with “Minnesota State Building Code.” (Amended, Ord. 2012-04, Sec. 1)
- t) Chapter 8. Referenced standards. Amended to read: All references to other code standards within this code shall mean the applicable provision of Crystal city code or Minnesota State Building code, whichever is the most restrictive requirement permitted under statute. (Amended, Ord. 2012-04, Sec. 1)

Subd. 3. Copy on file. One copy of the International Property Maintenance Code, together with a copy of this code, each marked "official copy", must be kept on file in the office of the city clerk and available for public inspection. The clerk and the building official must keep a reasonable number of additional copies of the International Property Maintenance Code and this code available for use and inspection by the public at reasonable times.

425.07. Definitions. Subdivision 1. General. For purposes of this code, the terms defined in this section have the meanings given them.

- a) “Apartment” means a community, complex, or building having a common owner and containing four or more living units.
- b) “Code” or “this code” means the property maintenance code; “city code” means the Crystal city code of ordinances; “building code” means chapter IV of the city code; “zoning code” means the city code, appendix I, section 515.
- c) “Common areas” means halls, corridors, passageways, utility rooms, recreational rooms and extensive landscaped areas, not under the exclusive control of one person or family, in or adjacent to an apartment dwelling.
- d) “Dwelling” means a building or a portion of a building designed for residential occupancy: the term includes single-family, two-family, three-family and apartment dwellings but does not include hotels, motels, nursing homes and boarding houses.

- e) “Dwelling unit” means (i) a single-family dwelling or (ii) a discrete portion of a dwelling designed for occupancy by one family.
- f) “General housing unit” means a dwelling unit other than an apartment, including but not limited to those within a townhouse, condominium, double bungalow, single-family, two-family or three-family building.
- g) “Gross floor area” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior or from the centerline of party walls separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.
- h) “Housing official” means the city officer or officers in the community development department designated by the city manager to administer this code. (Amended, Ord. 2012-04, Sec. 2)
- i) “Let for Occupancy” or “To Let” means to permit possession or occupancy of a dwelling or living unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.
- j) “Living unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- k) “Nonresident owner” means an owner who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington.
- l) “Occupant” means any person living or sleeping in a dwelling; or having possession of a space within a dwelling.
- m) “Owner”, means any person, firm or corporation who alone or jointly or severally with others is in actual possession of a dwelling or dwelling unit in the city as owner.
- n) “Rent” means to let for occupancy or to let.
- o) “Rental dwelling” means any apartment or general housing unit let for occupancy, or any apartment or general housing unit occupied by someone other than the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner.

- p) “Repair” means to restore to a sound acceptable state of operation, serviceability or appearance.
- q) “Replace” means to remove an existing item or portion of a system and to construct or install a new item of similar or new quality as an existing item when repair of the item is impractical.
- r) “Resident agent” means an authorized representative of a nonresident owner who resides in Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington.

(Amended, Ord. 2015-06)

Subd. 2. Code official. The term “code official” where the term is used in the International Property Maintenance Code means the housing official. (Amended, Ord. 2012-04, Sec. 2)

Subd. 3. Relation to other code definitions. Except as expressly provided in this code, words, terms, and phrases used in this code have the meanings given them by the city code. In cases where conflicting definitions of a word, term, or phrase make its precise meaning unclear in its application to particular facts, the housing official is authorized to resolve the conflict subject to the provisions of subsection 425.27 relating to appeals. (Amended, Ord. 2012-04, Sec. 3)

425.09. Application. Subdivision 1. General. This code applies to buildings, their premises, accessory structures thereto, and dwelling units therein or thereon, used or designed to be used for human habitation.

Subd. 2. Existing buildings. A building lawfully existing under the building code must conform to this code. A building need not be altered or changed to exceed the requirements of the building code in effect at the time of its construction, except in the following cases:

- a) If the building is altered or enlarged pursuant to the building code;
- b) If the building is moved or relocated; or
- c) If the building is determined to be unsafe or hazardous by the building inspector pursuant to applicable codes and ordinances.

Occupancy in buildings lawfully existing under the building code may be continued under this code.

425.11. Duties of owners and occupants. Subdivision 1. Sanitation. The occupant of a general housing unit must maintain in a clean and sanitary condition that part of the unit and yard that the occupant occupies and controls; and is responsible for the occupant's own misuse of areas and facilities available in common. The owner of an apartment must maintain in a clean and sanitary condition the shared or public areas of the apartment and yard. The occupant of a general housing unit or apartment must keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and is responsible for the exercise of reasonable care in their proper use and operation.

Subd. 2. Removal of waste matter and recyclable materials. The occupant of a general housing unit must dispose of rubbish, ashes, garbage and other organic waste in a clean and sanitary manner as provided by section 605 of the city code. The owner of an apartment is responsible for the clean and sanitary maintenance of common storage or disposal facilities and must dispose of rubbish in a clean and sanitary manner as provided in section 605 of the city code. The owner of an apartment containing more than eight units must comply with the requirements of subsection 650.19 of the city code.

Subd. 3. Pest extermination. The occupant of a single dwelling unit is responsible for the extermination of vermin infestations or rodents on the premises. The occupant of a dwelling unit in a building containing more than one dwelling unit is responsible for such extermination when the dwelling unit is infested. When infestation is caused by the failure of the owner or occupant to maintain a building containing dwelling units in a reasonably rodent-resistant or reasonably vermin-resistant condition, pest extermination is the responsibility of the owner. After extermination, it is the responsibility of the owner or occupant, as the case may be, to correct such maintenance or other problems as designated by appropriate city officials to eliminate the source of the infestation. If infestation exists in two or more dwelling units in any residential structure, or in the shared or public parts of any residential structure containing two or more dwelling units, pest extermination is the responsibility of the owner.

Subd. 4. Heat. The owner of a building containing two or more dwelling units must supply facilities capable of providing adequate heat to every habitable room therein; for the purposes of this subdivision "adequate heat" means heat sufficient to maintain a temperature of 68° F (20° C) at a height of three feet above the floor in all habitable rooms, bathrooms, and water closet compartments.

Subd. 5. Utilities. Except as otherwise provided by law, an owner or occupant may not cause service equipment or utility service that is required by this code to be removed, shut off or discontinued for any occupied dwelling let or occupied by that person, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

Subd. 6. Notice of maximum occupancy. An owner must advise the occupant, in writing, by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in occupied premises subject to this code.

425.13. (Repealed, Ord. 2015-06)

425.15. Administration, enforcement; inspection. Subdivision 1. Administration and enforcement. The housing official is responsible for the administration and enforcement of this code. (Amended, Ord. 2012-04, Sec. 4)

Subd. 2. Compliance. When the housing official determines that there exists in a building or a portion thereof conditions that constitute a violation of this code, the housing official may begin enforcement procedures set forth in section 306 of the Crystal city code.

425.17. Licensing of rental units. Subdivision 1. General rule. It is unlawful to operate a rental dwelling without first having obtained a license. The license is issued each year and expires on the anniversary date of issuance.

Subd. 2. Application. This subsection establishes minimum standards for maintaining rental properties; i.e., general housing units, apartments, dwellings, dwelling units, accessory structures and related premises. A building and its premises used in whole or in part as a home or residence, or as an accessory structure thereto, for a single family or person, and a building used in whole or in part as a home or residence of two or more persons or families living in separate units must conform to the requirements of this section without regard to when the building may have been constructed, altered, or repaired. This subsection is intended to provide standards for licensed rental housing and to provide standards to allow resolution of violations of this code. (Amended, Ord. 2012-04, Sec. 5)

Subd. 3. License fees. For license renewals, license fees are due no later than 60 days prior to the license expiration date. If an application for license renewal is made less than 60 days before the beginning date of the license period applied for then the fee shall be accompanied by an additional amount equal to 100 percent of such license fee. The additional amount shall be a penalty for a late application. For general housing units or apartments intended for rental for which a license was not issued for the previous year, license fees must accompany the completed license application. License fees are set in appendix IV.

Subd. 4. Conditions. A license is nontransferable. The license fee is not refundable upon revocation or suspension.

Subd. 5. Application; information. Applications for a license or renewal of a license must be made by the owner of a rental dwelling. Application forms are filed with the city, accompanied by the applicable fee. The applicant must provide:

- a) Name, street address (a post office box number is not acceptable), email address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation; (Amended, Ord. 2012-04, Sec. 5)
- b) Name, address, email address, and telephone number of designated resident agent, if any; (Amended, Ord. 2012-04, Sec. 5)
- c) Name, address, email address, and telephone number of vendee, if the rental dwelling is being sold through a contract for deed; (Amended, Ord. 2012-04, Sec. 5)
- d) Legal address of the rental dwelling;
- e) Number of rental dwelling units within the structure; and

- f) Description of procedure by which tenant inquiries and complaints are handled by the owner.
- g) For properties with multiple owners, the names, street addresses and telephone numbers of all owners, one of whom must be designated as the primary contact.

Subd. 6. Notice of change. The licensee shall give notice in writing to the housing official within five business days after any change of the information in the application. Notice of transfer of ownership is governed by subdivision 12 of this section. (Amended, Ord. 2012-04, Sec. 5)

Subd. 7. Resident agent required. An operating license will not be issued or renewed for a nonresident owner of rental dwellings unless the owner designates in writing the name of a resident agent who is responsible for maintenance and upkeep and to institute remedial action to effect remediation of such orders on behalf of the owner. The housing official must be notified in writing by the owner of a change of resident agent.

Subd. 8. Conformance to laws. A license will not be issued or renewed unless the rental dwelling and its premises conform to this section, the ordinances of the city and the laws of the state of Minnesota.

Subd. 9. Inspection condition. A license will not be issued or renewed unless the owner of the rental dwelling agrees in the application to permit inspections pursuant to subdivision 18.

Subd. 10. Issuance of license following inspection. A rental license shall be issued in instances where no compliance orders are identified by the housing official for a rental dwelling unit. A conditional rental license shall be issued in instances where compliance orders have been identified and a copy of the orders provided to the owner. Compliance orders shall be provided to the owner within fifteen days after gaining access to the interior of all structures for the purpose of conducting the inspection. The owner of the property for which a conditional license is issued shall have a maximum of 60 days from the date of the inspection to make the necessary corrections and request reinspection for compliance. The conditional license may be revoked automatically by the city if the compliance orders have not been completed and verified as such by a reinspection within 60 days of the date of the initial inspection. (Amended, Ord. 2012-04, Sec. 5)

Subd. 11. Posting of license. The licensee of a building containing three or more rental dwellings must post the current license in a conspicuous location in the main entry in a frame with a glass or plastic cover. Every owner of a single-family or two-family rental dwelling must post the license issued by the city in a conspicuous location.

Subd. 12. Transfer. The licensee must give notice in writing to the housing official within five business days after having legally transferred or otherwise disposed of the effective control of licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings. For purposes of this subsection the term "effective control" means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property.

Subd. 13. Occupancy register required. The owner of a licensed rental dwelling containing one or more dwelling units must keep a current register of occupancy for each dwelling unit. The register must be available for viewing or copying by the housing official at reasonable times and at the scheduled time of the annual inspection. The register must provide the following information:

- a) Dwelling unit address;
- b) Number of bedrooms in dwelling unit;
- c) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;
- d) Dates renters occupied and vacated dwelling units;
- e) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this section; and
- f) A similar chronological list of corrections made in response to requests and complaints.

Subd. 14. License suspension or revocation. An operating license is subject to suspension, denial, or revocation by the council if the licensed owner fails to operate or maintain licensed rental dwellings and units therein consistent with this section and the law. If an operating license is suspended or revoked by the council in accordance with section 1005.21 through 1005.23 of the city code, it shall be unlawful for the owner to permit occupancy of a rental dwelling until a valid operating license is issued by the council. Issuance of a new license after suspension, denial or revocation shall be made in the manner set forth in this section, but only after the housing official determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action, and only after the applicant/owner has appeared before the city council to formally request approval of the license application. The license application must be accompanied by all fees required by this section.

Subd. 15. License expiration or non-renewal. If a rental license expires and/or is not renewed, it shall be unlawful for the owner or owner's agent to thereafter permit the occupancy of the then vacant, or thereafter vacated, rental dwelling until such time as a valid rental license is obtained. In instances where the rental dwelling is occupied beyond the license expiration date and application for a license is subsequently submitted to the city, the application fee shall be doubled.

Subd. 16. Posted to prevent occupancy. Whenever a rental dwelling is occupied without having first been issued a rental license, or any initial or renewal application for a rental license has been denied, or a rental license has been revoked, suspended, or not renewed, the rental dwelling shall be posted by the housing official, and no person shall reside in, occupy, or cause to be occupied that rental dwelling until permitted by the housing official. No person other than the housing official shall remove or alter any posting. (Amended, Ord. 2012-04, Sec. 5)

Subd. 17. Enforcement; inspection authority. The housing official administers and enforces the provisions of this subsection. The housing official may inspect upon receiving a complaint, change in ownership, or otherwise when reason exists to believe that a violation of this subsection has been or is being committed. If the city finds that the circumstances of the occupancy following the issuance of the license involve possible code violations, substandard maintenance, or abnormal wear and tear, the city may re-inspect the premises during the licensing period. The housing official may seek warrants authorizing the inspection of property. Inspections must be conducted during reasonable daylight hours. The housing official must present evidence of official authority to the occupant in charge of a licensed rental dwelling.

Subd. 18. Inspection access. If an owner, occupant, or other person in charge of a rental dwelling licensed under this section fails or refuses to permit free access and entry for inspection purposes, the housing official may, upon a showing of probable cause, obtain orders from a court of competent jurisdiction for the inspection.

Subd. 19. Administrative fees. An administrative fee may be charged in instances where the property owner or resident agent fail to appear for a scheduled inspection or fail to contact the city to reschedule an inspection less than twenty-four hours prior to the scheduled inspection time. (Added, Ord. 2012-04, Sec. 5)

425.19. Minimum requirements; implementation standards; policies. Subdivision 1. Minimum requirements. The minimum requirements imposed by this code include (i) those standards or requirements in effect on the date of the construction of a building subject to this code; (ii) the 2006 International Property Maintenance Code as amended; and (iii) imminent hazards including but not limited to:

- a) Heating systems that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space;
- b) Water heaters that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; not being vented; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves;

- c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed, uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems; ungrounded appliances in contact with earth;
- d) Plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines;
- e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads;
- f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air;
- g) Infestation of rats, insects, and other vermin.

Subd. 2. Implementation policies. The city council, upon recommendation of the city manager, will adopt by resolution policies and guidelines for the implementation and administration of this code. These policies and guidelines must include, but are not limited to, standards and guidelines relating to:

- a) Procedures for housing inspections;
- b) Proper disposition of information gathered in connection with housing inspections;
- c) Conditional occupancy of housing during periods needed for compliance;
- d) Methods of encouraging the correction of deficiencies by cooperation between owner and proposed and current occupants;
- e) Ongoing training and education for owners of rental dwellings and city housing official.

425.21. Conduct on licensed premises. Subdivision 1. It is the responsibility of the owner or licensee to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly in violation of any of the following statutes or ordinances. (Amended, Ord. 2012-04)

- a) Sections 2010 (public nuisances), 605 (garbage and refuse) and 635 (litter) of this code.
- b) Section 645 of this code (noise control).
- c) Section 910 of this code (dog control, animals) and M.S. §§ 609.226 and 347.56 relating to dangerous dogs.
- d) Section 930 of this code (drug abuse and control) or laws relating to the possession of controlled substances, unlawful sale or possession of small amounts of marijuana, and possession or use of drug paraphernalia as defined in M.S. §§ 152.01 et seq.
- e) Subsection 2005.01 of this code (disorderly conduct) or laws relating to disorderly conduct as defined in M.S. §§ 609.72.
- f) Chapter XII of this code (sale, consumption and display of liquor and beer) or laws relating to the sale of intoxicating liquor as defined in M.S. §§ 340A.701, 340A.702 or 340A.703.
- g) Laws relating to prostitution or acts relating to prostitution as defined in M.S. §§ 609.321, subdivision 9 and 609.324, housing individuals engaged in prostitution.
- h) Sections 935 (gun control) and 945 (use of firearms) of this code or laws relating to unlawful use or possession of a firearm as defined in M.S. §§ 609.66 et seq., on the licensed premises.
- i) Laws relating to assault as defined in M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.

- j) Laws relating to contributing to the need for protection or services or delinquency of a minor as defined in M.S. §§ 260C, et. seq.
- k) Laws relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house, all as defined in M.S. §§ 609.33.
- l) M.S. § 617.23, which prohibits indecent exposure.
- m) M.S. § 609.595, which prohibits criminal damage of property.
- n) M.S. § 609.50, which prohibits interference with a police officer.
- o) M.S. § 609.713, which prohibits terroristic threats.
- p) M.S. § 609.715, which prohibits presence of unlawful assembly.
- q) M.S. § 609.71, which prohibits riot.
- r) M.S. § 609.78, which prohibits interfering with “911” phone calls.
- s) M.S. §§ 609.75 through 609.76, which prohibits gambling.
- t) M.S. § 243.166 (Predatory Offender Registration).
- u) M.S. § 609.229 (Crime committed for benefit of a gang).
- v) M.S. § 609.26, subdivision 1(8) (causing or contributing to a child being a runaway).
- w) M.S. § 609.903 (Racketeering).
(Amended, Ord. 2012-04, Sec. 6)

Subd. 2. The housing official is responsible for enforcement and administration of this section.
(Amended, Ord. 2012-04, Sec. 6)

Subd. 3. First notice. Upon determination by the housing official that a licensed premise was used in a disorderly manner, as described in subdivision 1 of this section, the housing official must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.
(Amended, Ord. 2012-04, Sec. 6)

Subd. 4. Second notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period following an incident for which a notice in subdivision 3 of this section was given, the housing official must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the housing official within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve months. (Amended, Ord. 2012-04, Sec. 6)

Subd. 5. Third notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period after the second of any two previous instances of disorderly use for which notices were given to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. (Amended, Ord. 2012-04, Sec. 6)

- a) An action to deny, revoke, suspend, or not renew a license under this section must be initiated by the housing official who must give to the licensee written notice of a hearing before the city council to consider such denial, revocation, suspension or non-renewal. Such written notice must specify all violations of this section, and must state the date, time, place and purpose of the hearing. The hearing must be held no less than ten days and no more than 30 days after giving such notice. (Amended, Ord. 2012-04, Sec. 6)
- b) Following the hearing, the city council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

Subd. 6. Upon a decision to revoke, suspend or deny or not renew a license for violations of this section, the owner/licensee will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed one year. Any person who has had two or more licenses revoked, suspended, denied or not renewed for violations of this section will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed two years. (Amended, Ord. 2012-04, Sec. 6)

Subd. 7. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. (Amended, Ord. 2012-04, Sec. 6)

Subd. 8. A determination that the licensed premises have been used in a disorderly manner as described in section 425.21, subdivision 1 of this section shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section. (Amended, Ord. 2012-04, Sec. 6)

Subd. 9. All notices given by the city under this section must be personally served on the licensee, sent by certified mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises. (Amended, Ord. 2012-04, Sec. 6)

Subd. 10. Enforcement actions provided in this section are not exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state or federal law. (Amended, Ord. 2012-04, Sec. 6)

425.23. Reporting; forms; records. The Crystal community development department is responsible for the preparation of forms and certificates necessary to carry out the provisions of this code. The community development department will maintain records of rental licensing and will provide reports to the city manager upon request.

425.25. Hazardous conditions; built-in deficiencies; procedure. Subdivision 1. Procedure. If the housing official determines that there exists in a building a condition that constitutes an immediate hazard to the health and safety of its occupants, including but not limited to those identified in section 425.19, subdivision 1, the official may:

- a) Issue a compliance order requiring immediate compliance if the condition can reasonably be corrected;
- b) Proceed against the building pursuant to applicable state laws relating to hazardous or unsafe structures; or
- c) Recommend that the city council proceed to correct the condition by abating it as a nuisance under Minnesota Statutes, section 429.101, and this clause is to be construed as authorizing the imposition and billing of charges for the cost thereof and the assessment of unpaid charges against the property on which the building is located in the manner provided by Minnesota Statutes, section 429.101.

Subd. 2. Built-in deficiencies. It is determined that certain conditions within existing buildings, lawful at the time of the construction of the building, may not comply with the minimum requirements of this code. Such conditions are herein referred to as "built-in deficiencies", and the housing official, in administering this code, must consider the following built-in deficiencies as being beyond reasonable correction:

- a) Ceiling heights: An existing habitable room with less than a seven foot six inch ceiling height.
- b) Superficial floor area: An existing habitable room of less than 90 square feet.
- c) Natural light and ventilation: An existing habitable room with window area less than 10% of the floor area; provided, however, that in no case may the required area of light and ventilation be less than 5% of the floor area.

425.27. Inspections. Subdivision 1. Records. Inspections must be conducted during reasonable hours. The housing official must present evidence of authority to the owner or occupant in charge of a dwelling. Subject to the provisions of law, the housing official must keep evidence, exclusive of the inspection records, discovered or obtained in the course of an inspection confidential.

Subd. 2. Unfit for human habitation. A dwelling or portion thereof that is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. If a dwelling or portion thereof has been declared unfit for human habitation, the housing official must order the dwelling vacated within a reasonable time and post a placard on the dwelling indicating that it is unfit for human habitation. No person other than the housing official shall remove or alter any posting. The housing official will post the date the dwelling shall be vacated, and no person shall reside in, occupy or cause to be occupied that rental dwelling until the housing official permits it. An operating license previously issued for the dwelling will be revoked pursuant to law.

Subd. 3. Correction. It is unlawful to use a dwelling or portion thereof for human habitation until the defective conditions have been corrected and written approval has been issued by the housing official. It is unlawful to deface or remove the declaration placard from a dwelling or property.

Subd. 4. Secure unfit and vacated dwellings and accessory structures. The owner of a dwelling that has been declared unfit for human habitation or that is otherwise vacant for a period of 48 hours or more must 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. A vacant dwelling or accessory structure open at doors, windows, or wall opening, if unguarded, is deemed a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this section. (Amended, Ord. 2012-04, Sec. 7)

Subd. 5. Hazardous building declaration. If a dwelling 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, sections 463.15 to 463.26.

Subd. 6. Compliance procedure. Subdivision 1. Order. If the city determines that a structure or dwelling or portion thereof is in violation of an order or this code, the city may issue a compliance orders in accordance with section 306 of city code.

425.29. Appeals; right of appeal. When it is alleged by a person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this section or upon a misstatement or mistake of fact, that person may appeal the compliance order to the housing official. The housing official must forward the recommendation to the city council within 30 days after receipt of this appeal. The appeal (i) must be in writing, (ii) must specify the grounds for the appeal, and (iii) must be filed with the housing official within ten business days after transmittal of the compliance order. The filing of an appeal stays proceedings in furtherance of the action appealed from unless such a stay in the judgment of the housing official would cause imminent peril to life, health or property. The city council must act promptly on the housing official's recommendation, and the housing official's recommendation may be reversed, modified or affirmed in whole or in part by the council. The council's disposition of the appeal is final. (Amended, Ord. 2012-04, Sec. 8)

425.31. Execution of compliance orders. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken in accordance with section 306 of city code, or upon failure to comply with a modified compliance order within the time set therein, the city may remedy the cited deficiency in the manner provided for in section 306 of city code.

425.33. Violations; penalties. Subdivision 1. General. It is unlawful to erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the city contrary to the provisions of this code.

Subd. 2. Non-compliance. Failure to comply with a lawfully issued compliance order is a violation of this code and is subject to enforcement procedures set forth in section 306 of city code.

Section 430 – Graffiti
(Added, Ord. No. 2008-02)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 4. Use of public funds. Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city is authorized to use public funds for the removal of the graffiti, or painting or repair of any more extensive an area than that where the graffiti is located, unless the city manager or the designee of the city manager determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

430.13. Summary abatement. Subdivision 1. The enforcing officer may provide for abating a public nuisance without following the procedure required in **subsection** 430.11, subdivisions 2 and 3 when:

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

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

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

430.15. Abatement of graffiti in specific cases. Subdivision 1. The **city** manager may without notice summarily abate any graffiti on any utility poles and cabinets including, but not limited to, traffic signs and lights or on any property owned by the city or on any property located in the public right-of-way, but privately owned. The right to summarily abate graffiti on such property shall be a condition of its permission to be in the right-of-way. Reasonable care shall be taken to avoid damage to such property.

Subd. 2. The **city** manager may without notice summarily abate any graffiti located anywhere on exterior walls and fences immediately abutting public streets and right-of-way or public property, or within five feet of such street, right-of-way or public property. The **city** manager may summarily abate graffiti located on such walls and fences that is beyond five feet of such street, right-of-way or public property provided that the graffiti is visible from the street, right-of-way or public property. The **city** manager shall ensure (1) that such abatement shall not entirely penetrate the wall of any building nor impair the structural integrity of the structure involved; (2) that reasonable efforts are made to avoid damage to the property; and (3) that the wall is not in an area of a building that is designed for and used principally as a residence. In the case of a summary abatement without notice on private property or on private structures or equipment located in the right-of-way, the expense of such abatement and restoration shall be borne by the city.

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

Subd. 2. Assessment. If the cost, or any portion of it, has not been paid within 30 days after the date of the bill, the council may certify the unpaid cost against the property to which the cost is attributable in accordance with the process set forth in section 306.15 of this code.

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

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

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

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

Section 435 – Vacant building registration
(Added, Ord. No. 2009-02)

435.01. Purpose and findings. Subdivision 1. The Crystal city council is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This section also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with same.

Subd. 2. The city council finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, trespassers and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. Vacant properties often are used as dumping grounds for junk and debris and often are overgrown with weeds and grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values. There is a substantial cost to the city for monitoring vacant buildings whether or not those buildings are boarded. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by those who choose to leave their buildings vacant.

435.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this section.

“Abandoned property” means property that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

“Compliance official” means the city manager and the city manager’s designated agents authorized to administer and enforce this section.

“Building” is any roofed structure used or intended for supporting or sheltering any use or occupancy.

“Owner” or “property owner” is the owner of record according to Hennepin County property tax records; those identified as owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

“Responsible party” is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located; any party having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

“Vacant building” a building is vacant if no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with city of Crystal zoning regulations.

435.05. Vacant building registration. Subdivision 1. Application. The owner or responsible party shall register a vacant building with the city no later than 30 days after the building becomes vacant. The registration shall be submitted on a form provided by the city and shall include the following information supplied by the owner:

- a) The name, address, telephone number and email address, if applicable, of each owner and each owner’s representative;
- b) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;
- c) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property;
- d) The tax parcel identification number and street address of the premises on which the building is situated;
- e) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and correcting code violations and nuisances, or for demolition of the building;
- f) The status of water, sewer, natural gas and electric utilities.
- g) The owner shall notify the compliance official within 30 days of changes in any of the information supplied as part of the vacant building registration.

Subd. 2. Property plan. The property plan identified above in subsection 435.05, subdivision 1 e) shall meet the following requirements:

- a) General provisions. The plan shall comply with all applicable regulations and meet the approval of the compliance official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered.
- b) Maintenance of building. The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property shall comply with building code provisions and applicable city regulations.
- c) Plan changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall meet the approval of the compliance official.

- d) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the city may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the city may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101.

Subd. 3. Non-compliance and notification. If the owner does not comply with the property plan, or maintain or correct nuisance violations, the city may commence abatement and recover its costs for correction of those items in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101. In the case of an absent owner and ongoing nuisance issues, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner is determined to be sufficient notice that it intends to provide ongoing abatement until the owner corrects the violations.

Subd. 4. Exemptions.

- a) Fire damage. A building that has suffered fire damage is exempt from the registration requirement for a period of 90 days after the date of the fire if the owner submits a request for exemption in writing to the compliance official. An exemption request for review by the compliance official shall include the following information supplied by the owner:
- 1) A description of the premises;
 - 2) The name and address of owner or owners;
 - 3) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion;
 - 4) Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.
- b) Snowbirds. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Requests for “snowbird” exemption will be considered annually with proper verification.

Subd. 5. Fees. The owner shall pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the city council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the city in monitoring the vacant building site. The fee shall be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

Subd. 6. Waiver of fees. The city may waive the registration fee if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the city that are associated with the vacant property and demonstrates, to the satisfaction of the compliance official that:

- a) The property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the compliance official; and either
- b) The owner or responsible party is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
- c) The owner or responsible party has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the compliance official.

Subd. 7. Assessment. If the registration fee or any portion is not paid within 60 days after billing or within 60 days after any appeal becomes final, the city council may certify the unpaid fees against the property in accordance with Minnesota Statutes, section 429.101.

Subd. 8. Issuance of registration. Upon completion of the registration process and payment of the fee, the city will issue a Vacant Building Registration to the owner. The owner shall securely post the registration on the vacant building on a side entrance door, where possible, that is not generally visible from the public street. If no side entrance door is available, the registration shall be securely posted on another available entrance door.

Subd. 9. Failure to register. If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

435.10. Change of ownership. A new owner(s) shall register or re-register a vacant building in accordance with subsection 435.05 within 15 days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved property plan and timetable submitted by the previous owner or shall submit any changes proposed to the property plan to the compliance official for review and approval as required by subsection 435.05 of this section. For the purposes of this section, a new owner is an "owner" as defined in subsection 435.03 who has purchased the vacant building since its registration by the previous owner and has succeeded to all rights of that previous owner.

435.15. Inspections. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this section and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine compliance with section 425 of this code and all other applicable regulations. All application and reinspection fees also shall be paid prior to building occupancy.

435.20. Maintenance of vacant buildings. Subdivision 1. The owner shall comply with and address the following items in the property plan, as described in subsection 435.05, subdivision 2:

- a) Appearance. All vacant buildings shall be so maintained and kept that they appear to be occupied.
- b) Securing. All vacant buildings shall be secured from outside entry by unauthorized persons or pests. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each dwelling unit. Exterior walls and roofs shall remain intact without holes.
 - 1) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
 - 2) Temporary securing. Untreated, exterior grade (CDX) plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 90 days.
 - 3) “Artistic” board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.
 - 4) Emergency securing. The compliance official may take immediate steps to secure a vacant building at their discretion in emergency circumstances.
- c) Fire safety.
 - 1) Fire protection systems. Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.
 - 2) Removal of hazardous and combustible materials. The owner of any vacant building, or vacant portion thereof, shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.
- d) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building’s water systems shall be protected from freezing.

- e) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.
- f) Lighting. All exterior lighting fixtures shall be maintained in good repair, and illumination shall be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.
- g) Heating. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.
- h) Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, the city will provide written notice to the owner. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at their discretion in emergency circumstances and provide subsequent notice to the owner or responsible party.
- i) Signs. Obsolete or unused exterior signs and installation hardware shall be removed. Holes and penetrations shall be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building shall be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs shall be maintained in good condition and comply with the provisions of section 405 of this code.
- j) Exterior maintenance. The owner shall comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:
 - 1) Nuisances. The owner shall eliminate any activity on the property that constitutes a nuisance as defined by section 425, section 2005 and section 2010 of this code.
 - 2) Grass and weeds. Any weeds or grass shall be maintained at a height of no greater than eight inches and in accordance with subsection 640.13 of this code.
 - 3) Exterior structure maintenance. The owner shall maintain the vacant building in compliance with section 425 as determined to be necessary by the code official.
 - 4) Abandoned or junk vehicles. The owner shall keep the property free of unlicensed, inoperable, abandoned or junked vehicles. The city may cause such vehicles to be removed.

- 5) Storage and disposal of refuse. The storage and disposal of refuse shall comply with the requirements of section 605 of this code.
 - 6) Animals. The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner.
 - 7) Diseased, dead or hazardous trees. The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with section 2020 of this code.
 - 8) Graffiti. The owner shall remove all graffiti from the property in accordance with section 430 of this code.
 - 9) Abandoned pools. Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized.
- k) Removal of garbage and refuse. The owner of any vacant building or vacant portion thereof shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, filth, or other materials identified in section 605 of this code.
 - l) Police protection systems. All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.
 - m) Loitering, criminal activities. Loitering or engaging in criminal activities is prohibited in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party shall not allow these activities and shall take immediate actions to eliminate these conditions upon notification by the city or upon discovery.
 - n) Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or correction of any maintenance item if the compliance official determines that conditions exist that present an imminent threat to the public health and safety in accordance with section 425 of this code.
 - o) Other codes. The property owner or responsible party shall comply with all other city codes and applicable regulations.

435.25. No occupancy or trespass. No person may trespass, occupy or reside, on a temporary or permanent basis, in any vacant building, registered or not, without the owner's consent.

435.30. Vandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

435.35. Appeal. Any person or responsible party aggrieved by a decision rendered under section 435 may appeal to the city council. The appeal shall be made in writing, shall specify the grounds for the appeal, and shall be submitted to the city manager within ten business days of the decision that is basis of the appeal.

435.40. Penalties. Any person or responsible party who violates the provisions of section 435 is subject to penalty as provided under section 306 of this code. Nothing in this section, however, is deemed to impair other remedies or civil penalties available to the city under this code or state law, including, but not limited to, Minnesota Statutes, sections 463.15 through 463.261.

Section 440 – Electrical
(Added, Ord. No. 2011-06)

440.01. State electrical code. Subdivision 1. Authority. The purpose of this ordinance is to establish an electrical inspections program administered and enforced by the City. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Sections 326B.31 to 326B.399, as amended, is hereby incorporated into this ordinance as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minn. R. 1315.0020, as amended. All such codes incorporated herein by reference constitute the electrical code of the City of Crystal.

Subd. 2. Authority to inspect. The City hereby provides for the inspection of all electrical installations, pursuant to Minn. Stat. § 326B.36. subd. 6, as amended.

Subd. 3. Compliance. All electrical installations shall comply with the requirements of the electrical code of the City and this ordinance.

Subd. 4. Permits and fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 326B.37, as amended, and in Appendix IV of this code.

Subd. 5. Notice and appeal. All notices of violations and orders issued under this ordinance shall be in conformance with Minn. Stat. § 326B.36, subd. 4, as amended.

Subd. 6. Sunset. This ordinance may be revoked by the city council once the Department of Labor and Industry is funded for the 2011 fiscal year by legislative enactment of a state budget.