

CITY OF CRYSTAL

ORDINANCE #2016 – 05

AN ORDINANCE AMENDING CHAPTER 4
OF THE CRYSTAL CITY CODE

The City of Crystal ordains:

ARTICLE I. Chapter IV, Section 400.01 of the Crystal City Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

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~~ 326B.103 to 326B.194, 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. 3. Rules adopted.

a) The following chapters of Minnesota Rules, ~~as amended~~ together with the most current version of the specific code adopted therein, 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
- 1322 Residential Energy Code
- 1323 Commercial Energy Code
- 1325 Solar Energy Systems
- ~~1330 Fallout Shelters~~
- 1335 Floodproofing Regulations
- 1341 Minnesota Accessibility Code
- 1346 Adoption of the ~~Minnesota State Mechanical Code~~ International Mechanical/Fuel Gas Codes
- 1350 Manufactured Homes
- 1360 Prefabricated Structures
- 1361 Industrialized/Modular Buildings
- 1370 Storm Shelters (Manufactured Home Parks)
- 47154 Minnesota Plumbing Code

~~7670, 7672,
7674, 7676
and 7678 Minnesota Energy Code~~

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.

ARTICLE II. Chapter IV, Section 400.05 of the Crystal City Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

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."~~

ARTICLE III. Chapter IV, Section 400.09 of the Crystal City Code is hereby amended by deleting the ~~stricken~~ material as follows:

~~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.~~

ARTICLE IV. Chapter IV, Section 400.15 of the Crystal City Code is hereby deleted in its entirety and is replaced with the following:

400.15. Certain contractors; state bond required. It shall be unlawful for any person to contract to do gas, heating, ventilation, cooling, air conditioning, fuel burning, or refrigeration work within the city without first filing a bond with the State of Minnesota as required by law.

ARTICLE V. Chapter IV, Section 415.01 of the Crystal City Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

415.01. Grading. Appendix ~~chapter~~ J (Grading), of the 2006 2012 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."

ARTICLE VI. Chapter IV, Sections 420 of the Crystal city code is hereby deleted in its entirety.

ARTICLE VII. Chapter IV, Section 425.05 of the Crystal City Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

425.05. Adoption of international property maintenance code by reference. Subdivision 1. Code adopted. The International Property Maintenance Code, ~~2006~~ 2015 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~~ 2015 edition, are revised as follows:

ARTICLE VIII. Chapter IV, Section 425.07, subdivision 1, paragraph (k) of the Crystal City Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

k) “Nonresident owner” means an owner who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Chisago, Dakota, Isanti, Scott, Sherburne, ~~or~~ Washington or Wright.

ARTICLE IX. Chapter IV, Section 425.17 of the Crystal City Code is hereby amended by adding the double underlined material as follows and renumbering the remaining subdivisions:

425.17. Licensing of rental units. Subdivision 1. General rule. It is unlawful to operate a rental dwelling without first having obtained a license, except for properties exempt under subdivision 2 of this subsection. The license is issued each year and expires on the anniversary date of issuance.

Subd. 2. Exemptions. The following properties are exempt from having to obtain a rental license from the city:

- a) Properties that have applied for and received Relative Homestead status for property tax purposes;
- b) Properties that are exempt from property taxes under Minnesota Statute, section 272.02 because they are a church parsonage; or
- c) Supportive housing facilities that are licensed and inspected by the State of Minnesota.

ARTICLE X. Chapter IV, Section 430 is hereby amended by deleting in its entirety.

ARTICLE XI. Chapter XX is hereby amended by adding a new Section 2025 as follows:

Section 2025 – Graffiti

2025.01. Declaration of nuisance. To prevent the spread of graffiti vandalism, address the impacts of graffiti on the owners of private and public property, and avoid the lasting negative effects of graffiti on the affected properties and the community, the city council hereby declares graffiti a public nuisance and provides a program for its removal.

2025.03. Definitions. For the purposes of this section, the following terms shall have the meaning given them in this subsection.

- a) “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 authorization, is otherwise deemed a public nuisance by the city council.

- b) “Graffiti implement” means an aerosol paint container, a broad-tipped marker, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or human-made surface.
- c) “Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

2025.05. 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 unlawful for any person to possess any graffiti implement 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;

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 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 provisions of this subsection do not apply to the possession of a graffiti implement by a minor attending or traveling to or from a school at which the minor is enrolled if the minor can reasonably establish that such implement is used as part of a class the minor is enrolled in at the school.

2025.07 Removal. 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 section.

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 the 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 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 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.

Subd. 4. General Duty. 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. 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.

2025.09. 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 provided 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 of or person in control of the property on which the graffiti is located. If the property is occupied, service upon the occupant is deemed service upon the owner. If the property is unoccupied or abandoned, service may be by mail to the last known owner of record of the property and upon all lienholders of record if so required by state law. The notice may also be posted on the property. 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 imposed on the property; 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 city 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 subdivision 2 of this subsection.

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.

2025.11. Summary abatement. Subdivision 1. The city may provide for the summary abatement of graffiti without following the procedure required in subsection 2025.09 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.

2025.13. 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.

2025.15. 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.

2025.17. Penalties. Subdivision 1. Criminal. Any violation of this section is a misdemeanor, punishable in accordance with state law.

Subd. 2. Civil. 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 severely 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. Additional penalties. This section is not intended to prohibit a private property owner from seeking additional penalties or remedies.

ARTICLE XII. Chapter IV, Section 440 shall be renumbered as part of Chapter IV, Section 400 of the Crystal city code, beginning with Section 400.21.

ARTICLE XIII. This ordinance is effective upon adoption and 30 days after publication.

First Reading: October 5, 2016
Second Reading: November 1, 2016
Council Adoption: November 1, 2016
Publication: November 10, 2016
Effective Date: December 10, 2016

BY THE CITY COUNCIL



Jim Adams, Mayor

ATTEST:



Kim Therres, Assistant City Manager