



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, OCTOBER 9, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on September 25, 2018

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Toastmasters Proclamation

B. Jackie Reis – Greater White Bear Lake Community Foundation

5. PUBLIC HEARINGS

6. LAND USE

A. Non-Consent

1. Consideration of a Planning Commission recommendation regarding a request by Matthew Park for an amendment to a Conditional Use Permit at 2180 7th Street (Case No. 85-11-Sa).

B. Consent

1. Consideration of a Planning Commission recommendation regarding a request by John Manship for a variance at 4766 Peggy Lane (Case No. 18-14-V).
2. Consideration of a Planning Commission recommendation regarding a request by Alexa Adams for a setback variance at 1880 4th Street (Case No. 18-15-V).
3. Consideration of a Planning Commission recommendation regarding a request by Michael McHugh for a setback variance at 2262 11th Street (Case No. 18-16-V).

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. IPMC Ordinance

9. NEW BUSINESS

- A. Resolution adopting revised assessment roll for 2018 Street Reconstruction Projects (City Project No. 18-01)
- B. Resolution approving a deferred special assessment for properties at 4958 Stewart Avenue and 4926 Johnson Avenue
- C. Resolution accepting work and approving final payment to Park Construction Company for 2017 Mill and Overlay Project (City Project Nos. 17-01, 17-04, 17-10 & 17-13)

10. CONSENT

- A. Acceptance of minutes from August Park Advisory Commission; August Environmental Advisory Commission; August White Bear Lake Conservation, August Planning Commission
- B. Resolution approving special assessment for utility improvements at 1900 Hinkley Street

11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 25, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Building Official Ben Eggen, City Engineer Mark Burch, Assistant City Engineer Jesse Farrell, Assistant Finance Director, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on September 11, 2018.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker added HVAC system for the Armory as 9C.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve the agenda as amended.

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Mark Burch's retirement recognition

City Manager Ellen Hiniker, PW Superintendent Dan Pawlenty, former City Manager Mark Sather and Mayor Jo Emerson all thanked Mark Burch for 30 years of dedicated service to the City of White Bear Lake. Mayor Emerson presented the bear plaque in recognition of Mark's many years of service as the City's Public Works Director. Mark's wife Anna and three daughters Laura, Sara, Mary with husband Matt attended.

B. White Bear Lake Hockey Association

Kevin McFarlane thanked the City Council for supporting the Sports Center Renovation project and presented the City with \$500,000 as down payment from the White Bear Lake Hockey Association. He mentioned the grand reopening on Saturday from 1 p.m. – 9:00 p.m.

5. PUBLIC HEARINGS

A. Resolution adopting an assessment roll for 2018 Mill and Overlay Project (City Project Nos: 18-13)

City Engineer Burch stated a public hearing is required for consideration of assessment rolls for the 2018 Mill and Overlay Project, the 2018 Street Reconstruction Project and the Centerville Road Project. He added this is the last step in the process as stipulated in State Statute 429 related to City assessment of property. Official notice was sent to the properties that are affected by these assessments. He added that all three of these projects are complete.

City Engineer Burch stated residents can appeal the assessment by written statement tonight and then filing action in District Court within 30 days of this meeting. He mentioned that the appraisal reports adhere to the assessment rates that were set in spring 2018 and reflect 1/3 of the cost of the project that is assessed to the property owner per the City's assessment policy. The Finance Department set the interest rate of 5.25% with mill and overlay assessment repayment in 10 years and street reconstruction assessment repayment over 15 years. He mentioned that residents may seek senior deferment or hardship deferment by contacting the Engineering Department.

Mayor Emerson opened the Public Hearing at 7:47 p.m. As there was no public comment, Mayor Emerson closed the Public Hearing at 7:47 p.m.

It was moved by Councilmember **Engstran** seconded by Councilmember **Walsh**, to approve **Resolution No. 12266** adopting an assessment roll for 2018 Mill and Overlay Project (City Project Nos: 18-13).

Motion carried unanimously.

B. Resolution adopting an assessment roll for 2018 Street Reconstruction Project (City Project Nos: 17-06, 18-01, 18-06)

Mayor Emerson opened the Public Hearing at 7:48 p.m.

Gary Wiederhold at 4310 Old White Bear Avenue read a note written by his wife, Deborah. The note stated residents were ignored when asked to have the sidewalk relocated to the other side of the road. Residents also endured months of construction and lost mail delivery, which is unacceptable.

Mr. Burch responded that after much discussion about the location of the trail, it was placed on the east side of the road as a continuation to the existing trail. He echoed frustrations of the residents related to mail service. Mr. Burch stated that the Post Office made a commitment to deliver mail under the current design. He said staff continues to work on this issue daily. Ms. Hiniker explained that temporary mailboxes are up until this issue is resolved.

Matt Zeller at 4959 Morehead Avenue stated that the work is beautiful. He lives where 10th and Morehead dead-end where the railroad used to go. He stated his lot has virtually no front footage and there is no on-street parking. He does not believe the use of half of the normal lot width 80/2 or 40 feet is a fair assessment for his property. He also stated there is no storm sewer benefit to his lot, even though his assessment is among the top five in the neighborhood. He is paying a large storm sewer assessment

for a pipe that has been in place for decades.

Mr. Burch stated that standard City frontage (80 feet) is typically applied to irregular shaped lots, such as cul-de-sac properties, which are pie-shaped in nature. In this case, the assessor recommended using half of the standard City frontage (40 feet) for the assessment. Storm sewer assessments are based on the area (lot size). He stated the benefit in this case is that water enters the storm sewer and is carried away in that part of the City.

Doug Bartolomeo lives at 2287 8th Street on a corner lot adjacent to the reconstructed alley for which he was assessed \$2200. As he had mentioned during the March Council meeting, he had been told by the City 22 years ago that he did not have rights to the alley. He stated there is inequity in access to the alleyway, in which his neighbors who access it daily are assessed the same amount as the corner lots that do not access the alleyway at all. He mentioned that he derives no direct benefit. He disagrees with the County Assessor's consideration of a future benefit as assessable. He asked what conversations have transpired about the alleyway assessment policy since March.

Mr. Burch explained that conversations have happened during public information meetings and stated that Mr. Bartolomeo has been consistent in his concern. He requested that the appraisers revisit this proposed assessment. They reaffirmed the assessment and determined a benefit to the property rather than its current use.

Mr. Bartolomeo asked the Council to consider the equitability of the assessment to the corner lots versus the middle-line lots whose occupants derive immediate benefit, driving on it every day. He stated, the alleyway is just a piece of scenery and he should not be assessed as he derives no benefit from it. If he is to be assessed, he believes that there should be a hierarchy of assessments as primary and secondary for a more equitable distribution of the load to those who use it every day.

Mayor Emerson stated that if the City is telling Mr. Bartolomeo that he has no rights to the alleyway, he should not be assessed for it. Community Development Director Kane clarified that the current zoning regulation that pertains to corner lots on an alley actually requires that new construction direct driveways to the alley. She added, there is a 20-foot setback if the garage door faces the alleyway.

Councilmember Jones clarified that if Mr. Bartolomeo does not have access to his alley, then there should be no assessment, but if he does have access, then he agrees with the assessment. Councilmember Biehn expressed the same sentiment and asked staff to research his rights to use the alleyway.

Elizabeth Casper at 2286 11th Street spoke and stated she is also representing Betty Felix of 4996 Stewart Street. She expressed issues with the alleyway assessment as they do not access the alley and could not turn the garage to access it because there is not enough room. She mentioned a few problems in her landscaping because of the new sidewalk that still need to be addressed in addition to equipment and billboards that need still need to be cleaned up in the area.

Mr. Burch acknowledged there is still restoration seeding that needs to occur, which should happen quickly. He stated there are still holes that need to be filled as part of the dewatering process and other clean-up to the area that the contractor will address.

John and Lynn Walker of 4915 Morehead Avenue mentioned that his colored sidewalk is now gray and slightly crooked. He would like to know what consideration the City will provide and is open to discussing a resolution. He also mentioned that his rain garden fills up and reaches the porch before draining. His front yard and his neighbor's is swampy after the recent rain, but his rain garden drains properly within 24 hours. He also mentioned there is considerable washout and rutting that will ultimately destroy the new alleyway if not addressed. Mr. Burch agreed to check those areas and fix those issues.

Susan Brewer at 2298 11th Street explained there are many issues with the water coming in from both sides and along the front of her property and ponding up to eight inches in her yard. Her property has sinkholes that need to be fixed. She mentioned that she did have to pay out of pocket to repair her stamped driveway and that large mushrooms are growing in her yard for the first time.

City Engineer Burch explained that they are monitoring the water collection on Ms. Brewer's yard and will continue to work to address the drainage issues. He mentioned it may be as simple as putting in a catch basin, but they would like to continue to monitor the situation until spring before determining the best course of action.

There being no further public comment, Mayor Emerson closed the public hearing at 8:28 p.m. and brought it back to Council for discussion.

Councilmember Walsh mentioned he will vote for the project, but he still has concerns that some of the promises made are not yet fulfilled, specifically with mail delivery, the clean-up and other drainage issues.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to approve **Resolution No. 12267** adopting an assessment roll for 2018 Street Reconstruction Project (City Project Nos: 17-06, 18-01, 18-06).

Councilmember Edberg stated the alley assessment policy is new and this is the first time it has been applied. He is unclear in his own mind whether this policy needs additional Council direction. Councilmember Walsh stated that if the appeals are not resolved, he would like to reserve the right to take additional policy action. Mayor Emerson agreed.

Councilmember Biehn stated that assessments are shared costs among all neighbors. He did not agree with assessing properties if the City says they have no rights to access the alley. But, he believes that if a property has access, even if they are not using it, it would be unfair to the neighbors not to assess all of the addresses having access. Councilmember Jones agreed.

Motion carried unanimously.

- C. Resolution adopting an assessment roll for Centerville Road Improvements (City Project No. 18-16)

Mayor Emerson opened the Public Hearing at 8:36 p.m.

There being no comment, Mayor Emerson closed the Public Hearing at 8:36 p.m.

Mayor Emerson thanked the developer for whom this project might never been

completed. She announced a ribbon cutting at Lunds & Byerlys on October 4th, at 5:30 with the store opening at 6:00 p.m.

The developer also thanked the City of White Bear Lake for coordinating the construction project.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12268** adopting an assessment roll for Centerville Road Improvements (City Project No. 18-16).

Motion carried unanimously.

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second reading of an ordinance adopting the 2018 International Property Maintenance Code and deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements.

Ben Eggan, Building Official for White Bear Lake reviewed the timeline for the adoption of this code, in which the initial concept was brought to the Council in April. After receiving direction from Council to pursue a minimum property standards code for commercial properties, Mr. Eggan revised the International Property Maintenance Code (IPMC) to fit the needs of the City. After first reading on August 15, staff shared the proposed code with the White Bear Area Chamber of Commerce and the Downtown Group at the request of the City Council.

Mr. Eggan explained that staff fielded questions and held a Chamber-organized meeting to answer questions from community members. Most were concerned with how this code would affect their bottom line. He shared an email from Robert Djupstrom in overall support of the City's consideration of a minimum standards code, with specific support of snow removal requirements.

Mr. Eggan highlighted various chapters of the ordinance and explained this is a model code adopted by other area communities, that sets forth minimum standards for properties. He made it clear that existing buildings with non-conforming conditions, that do not create a life/health safety hazard, will be allowed to remain. Mr. Eggan noted this code has a provision for appeals, which was amended to match the appeal process in current Code 502 in place since 1992.

Councilmember Jones commended Ben and his staff for their ability to defuse issues in the community before they make the appeal process. He also pointed out that Ben is only creating more work for himself, on behalf of the betterment of the City.

Tom Snell, Executive Director of the White Bear Area Chamber of Commerce thanked

the City Council for reaching out to the business community. After hearing from the City, the Chamber mailed the Ordinance and notice of a meeting to discuss the Ordinance to 227 White Bear City Chamber members. Due to bad weather on September 20, 2018 (the date of the community meeting), several businesses could not attend to learn more. He asked the City to consider a two-week delay in the vote on this proposed Ordinance to allow more time for businesses to read and ask questions.

Councilmember Jones had no problem in delaying the vote, but he asked that Mr. Snell to also share the list of the cities who have already adopted the IPMC. Mr. Eggan also suggested reaching out to the Chamber of Commerce of some of the adopting cities to learn about the impact of adopting this code in their communities.

Councilmember Walsh stated he was concerned initially, but the key will be in the enforcement. We have heard assurances from staff about how this will be enforced, but there is also an appeal process in which Council becomes involved. He believes the code as it stands is written well, but it can be revisited and amended at any time going forward.

Mayor Emerson agreed with Councilmember Walsh and stated that the only people who will have issues with this code are the ones who have not kept their buildings in good repair.

Dale Grambush of 2415 Gisella Boulevard inquired as to the changes since first reading. Mr. Eggan clarified that the memo specifies the changes since first reading in which two small section of the code were inadvertently left out during the reformatting process. Mr. Grambush stated that the option for mechanical ventilation was missing in the first code, but is present in this second version. He stated that is significant and if that change was missed, maybe something else was missed.

Mr. Grambush asked if the City planned to add staff to address the provisions of this ordinance. He pointed out the addition of the City's requirement for licensure of rental properties resulted in the City revising its 2017 budget for the addition of a rental housing specialist to oversee that new license. City Manager Hiniker explained that the rental housing specialist position resulted from a shuffling of responsibilities and a shift of FTE from the Fire Department to the Community Development Department. She clarified that the City has no intention to hire another staff person to oversee the added provisions of this proposed code.

Mr. Grambush pointed out that the code has been edited by staff and has likely been revised by each of the thirty adopting cities. He stated that Wikipedia shows there are a total of 218 cities in the Metropolitan area. Mr. Grambush believes this is a good code, but he does not agree with some of the edits that staff made, including the confusing numbering system that was applied.

Mr. Grambush did not agree with staff's revision of the appeal process, which removed the IPMC's creation of a citizen board to review an appeal. Under the proposed appeal process, the City Manager, then the City Council hears an appeal. He stated that he likes citizen input and suggested the Planning Commission might be part of a citizen review board. He prefers a citizen review board, especially dealing with commercial properties, due to their experience and training.

Mr. Grambush referenced code section 602.4, which regulates how warm every

workspace needs to be. He did not believe the building official was going to ensure a 65° temperature in a workable area, including a garage, within two feet of an exterior wall.

Mr. Grambush questioned why the section on carbon monoxide alarm and detection contains window egress information (705.3a). He also questioned why smoke detection, section b, wasn't covered in the smoke detection part of the code. Mr. Eggan explained he thought it made more sense to group these together as they only pertain to rental properties. Mr. Grambush suggested another title for this section that calls out rental property requirements in White Bear Lake for better transparency.

In reference to snow removal, Mr. Grambush asked whether the City will hold the same standards on public property as expected of commercial properties.

Brian Loss at 3664 Hazel Street asked how long the City has been looking at this code and if there were any delays up until this point. Mayor Emerson replied since April and there have been no delays. Mr. Loss stated it would be important to assess the degree of negative impact from other communities for those who are impacted by this. He did not see any additional burdens to delaying this another two weeks for multiple interested parties, and was not sure why the push to adopt this immediately. He encouraged the Council to delay the vote.

Mayor Emerson explained the City's normal process for adopting Ordinances is to have first reading, then wait a month to allow time for input before the second reading and adoption.

There being no further public comment, Mayor Emerson closed the public hearing at 9:23 p.m.

Councilmember Jones trusts Mr. Eggan's twenty years' experience as he is the one who has to explain it and enforce it. He did not have a problem with delaying the vote another two weeks, even though six weeks was actually allotted this time around.

Councilmember Biehn sees the necessity of this code and supports it but does not have an issue with delaying the vote. He saw the advantage of delaying the vote to allow more time for Ben to review and tweak the code and its numbering system.

Councilmember **Walsh** trusts the staff and would vote tonight, but there is no reason not to delay. He moved to table this for two weeks, seconded by Councilmember **Engstran**.

In response to Councilmember Jones, City Attorney Pratt stated that another public hearing would be at the discretion of the Chair.

Motion carried unanimously.

9. NEW BUSINESS

- A. Resolution supporting the nomination of Jo Emerson for the Board of Directors of the National League of Cities

Councilmember Edberg expressed his personal opinion that the community has been

incredibly well-served by the leadership provided by our Mayor both locally and statewide through the League of Minnesota Cities. He shared that the Mayor has a new opportunity for leadership on the National League of Cities. He forwarded a recommendation to adopt a resolution of support that gives Mayor Emerson a greater opportunity for being selected.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Walsh** to adopt **Resolution No. 11269** supporting the nomination of Jo Emerson for the Board of Directors of the National League of Cities.

Motion carried unanimously.

B. Resolution suspending massage therapy establishment and massage therapist licenses at White Orchid Spa

City Manager Hiniker referenced the resolution recommending suspension of the massage establishment license and all massage therapist licenses at White Orchid Spa. She explained this recommendation is being made pursuant Municipal Code 1127.11, Subd. 1, in which the licensee is not complying with the laws and ordinances that apply to public health, safety and morals.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn** to adopt **Resolution No. 11270** suspending massage therapy establishment and massage therapist licenses at White Orchid Spa.

Motion carried unanimously.

C. Resolution supporting the Historical Society HVAC system

City Engineer Burch added this item to agenda this evening to support a grant received by the Historical Society. Mr. Burch stated the Historical Society stores many artifacts, but humidity control is needed to prevent degradation. He explained that the Historical Society first secured a \$7,000 grant to assess the need for an HVAC system. Then they obtained \$10,000 in grant funding, which they matched with \$13,000 from their own fundraising efforts to pay for an HVAC design.

Mr. Burch reported the Historical Society obtained another grant for \$10,000, matched with \$20,000 from continued fundraising for construction of the HVAC system. Mr. Burch estimates the project will cost about \$65,000, and relayed that the Historical Society is asking the City to fund the balance, approximately \$30,000 – \$35,000. He reported that \$10,000 in grant funding will expire this spring, so the City is asking for approval to seek bids and return them for Council's consideration on October 23rd.

City Manager Hiniker explained that the Historical Society certainly has an interest in an HVAC system, but any tenant in the Armory would benefit from air conditioning. She feels the City is fortunate to have a tenant that can contribute funding to this project at this time.

In response to Councilmember Walsh, City Manager Hiniker stated the money would be allocated as a 2019 budgetary item.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to

adopt **Resolution No. 11271** ordering the project, approving the plans and ordering advertisement for bids for the HVAC improvements to the White Bear Lake Armory.

Motion carried unanimously.

City Engineer Burch added that the boiler in the Armory is failing. It was installed in early 1970 and the City has been keeping it going with preventative maintenance for several years. A boiler inspection today registered extremely high temperatures in the chimney, which can be dangerous. Mr. Burch stated this is because the heat exchange quit working. He stated the boiler will need to be replaced, which is anticipated to be \$60,000 – \$70,000, but bids will be sought for this work.

10. CONSENT

- A. Resolution designating polling places for all 2019 Elections. **Resolution No. 11272**
- B. Resolution accepting a donation from the White Bear Lake Hockey Association for the Sports Center renovation project. **Resolution No. 11273**

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the consent agenda as presented.

Motion carried unanimously.

11. DISCUSSION

- A. Summary of Ward 4 meeting regarding redevelopment at County Road E/Bellaire

Councilmember Edberg thanked the host, Redeemer Lutheran Church, particularly the custodian, Tom Larson, who was there for the evening on his own time. He also expressed appreciation for City staff who attended, including City Manager Ellen Hiniker, Community Development Director Anne Kane, Planning and Zoning Coordinator Sam Crosby and Housing and Economic Development Coordinator, Tracy Shimek from the Planning Department, as well as Councilmember Walsh. He also thanked the approximately 60 citizen attendees for respectful, civil conversation.

Councilmember Edberg highlighted four over-arching take homes from the meeting:

- Recognition this is a long-standing issue spanning 14 years. This particular intersection has been challenged by a retail environment and business model that do not exist anymore. To some extent, he believes this is failure of the free market system, that these businesses were not able to be successful. He stated at some point the City or the community might need to step in where the private sector has not been able to resolve these vacant corners.
- While all four corners are zoned commercial, perhaps zoning should be changed to accommodate housing options on those sites. Councilmember Edberg stated that those in attendance were overall in support of rezoning to consider alternative options other than commercial enterprise on these corners.
- Data including the cost of acquisition (approximately 10-15% increase of the City's tax levy) coupled with the taxable value of these properties helped people to make connections between what they thought they might want, and the implications of that for total expenditure and taxes. Councilmember Edberg relayed that future related conversations should include this type of analysis for folks to contemplate.

- What is in it for us? If a proactive public investment is to be made, it is not enough just to get rid of blight. There seems to be a desire for some type of public benefit, perhaps to an underserved population. Councilmember Edberg believes more thought should be given to what any public investment is intended to achieve.

Councilmember Walsh reported that the meeting was well attended and the conversation flowed better because the emotions were not as strong. He pointed out that the data was helpful to provide context, but there is still opposition to having a development in “my back yard”.

Community Development Director Kane directed people to the website for a copy of the PowerPoint and community notes from the meeting.

12. COMMUNICATIONS FROM THE CITY MANAGER

- A contested case pre-hearing conference with the DNR on November 8 for the appealed amendments of the water appropriation permits.
- Climate-Smart Municipalities Initiatives – Sabine Engel, Executive Director of International Partnerships with the Institute on the Environment at the University of Minnesota approached the City for the possibility of pairing with a German City to exchange information related to energy conservation initiatives. Additional grant funding added two more partner cities, one being the City of White Bear Lake. Council is also invited to dinner on Monday, October 1 to learn more about the program.
- Councilmember Walsh mentioned the Taste of Northeast, October 11 at Vadnais Heights Commons. Tickets for this Northeast Youth and Family Services fundraiser are \$30 for a variety of great food, a silent auction and music. The event starts at 5:30 p.m. with a VIP reception at 5:00 p.m.
- Engineering Updates – Mark Burch, City Engineer
 - The 80-foot flagpole goes up tomorrow at 1:00 p.m.
 - Mr. Burch thanked the Mayor, Council and co-workers.
- Community Development Updates – Anne Kane, Director
 - Tracy Shimek is the new Housing and Economic Development Coordinator.
 - Lunds & Byerlys Grand Opening on October 4.
 - Bruce Vento Regional Trail Extension meetings, October 4 and October 25. Both meetings will be in the Public Safety Training Room.
- Mayor Emerson attended the Women Mayors of America White House Conference in Washington DC. She heard from the Vice President and the Second Lady about their program to help military spouses; Secretary of Education spoke on the need to change the way we educate and the need for more vocational programs; SBA Administrator talked about disaster assistance and the need for educators and companies to work together toward workforce readiness; Economic Advisor spoke on the tax bill; Kellyanne Conway about the opioid crisis. There were 90 Mayors from 27 states, with five from MN including Morehead, Woodbury, Maplewood and Northfield.
- Mayor Emerson stated that White Bear Lake finished 9th in the country for cities

with population \$20,000 - \$30,000 in the Mayor's Water Challenge.

- Mayor Emerson mentioned that MN Monthly has selected White Bear Lake as one of the top ten finalists in the Best MN Town contest. Votes are accepted through October 12 at bestmntown.com.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Walsh** to adjourn the regular meeting at **10:06 p.m.**

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Proclamation

WHEREAS, Toastmasters International, the world's leading organization devoted to communication, public speaking and leadership skills, provides a mutually-supportive and positive learning environment in which every member has the opportunity to develop their communication and leadership skills which, in turn, fosters self-confidence and personal growth; and

WHEREAS, Toastmasters, founded October 1924, has over 357,000 members in 143 countries, with over 16,600 clubs worldwide; and

WHEREAS, Toastmasters clubs are made up of 20-30 people who gather weekly to follow an agenda of prepared speeches, impromptu speeches and evaluations as members learn through practice, by listening to one another, and by studying educational manuals from Toastmasters International which offer guidelines for speeches and leadership, and the monthly Toastmaster magazine is an excellent source to gain everyday speaking tips – for both personal and professional use.

NOW, THEREFORE, I, Jo Emerson, Mayor of the City of White Bear Lake, in recognition of this important observance, do hereby proclaim October 2018 in the City of White Bear Lake as:

“TOASTMASTERS MONTH”

in the City of White Bear Lake and urge all citizens to join me in congratulating Toastmasters for the inspiring role they play in assisting individuals develop self-confidence, communication and leadership skills which enhance all aspects of their lives.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of White Bear Lake to be affixed this 9th day of October 2018.

Jo Emerson, Mayor

HOW DO WE SERVE THE GREATER WHITE BEAR LAKE AREA?



We identify community needs and raise funds that are awarded to community groups:

\$32,200 raised and awarded in 2017

\$35,000–45,000 in 2018 (donations still welcomed)

- People contribute to the **Community Partners Fund**
- 20 organizations received grants in 2017
- 2018 grant applications due October 5

We encourage people to become leaders and raise funds for the year-long program:

Leadership Tomorrow program budget: \$30,000

- In partnership with White Bear Lake Rotary and White Bear Area Chamber of Commerce
- 22 people in year one
- Recruitment for year two begins in October
- \$15,000 F.R. Bigelow Foundation grant for 2019

We enable people to make a lasting difference in the way that most inspires them:

We manage \$940,000, invested in three pooled funds

- 9 donor advised funds (individuals and families)
 - › \$24,900 disbursed so far in 2018
- 2 agency endowment funds
 - › White Bear Lake Area Historical Society
 - › White Bear Lake Food Shelf

Operating facts:

Administrative costs total budget \$48,000, representing:

- \$20,000 Hardenbergh Foundation Grant
- \$16,000 Board member contributions
- \$10,000 Community member contributions



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: October 3, 2018 for the October 9, 2018 City Council Meeting

Subject: **HOG WASH – Conditional Use Permit Amendment**
2180 7th Street - Case No. 85-11-Sa

REQUEST

A Conditional Use Permit Amendment, in order to add an automatic indoor motorcycle wash in addition to the existing mechanical equipment.

SUMMARY

No one from the public spoke. On a 4-0 vote, the Planning Commission recommended approval with one condition added regarding noise, and minor modifications to two other conditions. The item is on the non-consent agenda because the public notice sign had not been posted on the property. A public notice sign with the City Council meeting date was posted accordingly.

RECOMMENDED COUNCIL ACTION

Approval of the attached revised resolution of approval.

ATTACHMENTS

Revised Resolution of Approval

RESOLUTION NO.

**RESOLUTION APPROVING
A CONDITIONAL USE PERMIT AMENDMENT
FOR 2180 7th STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (85-11-Sa) has been submitted by Matthew Park, dba M Park 22 LLC, requesting approval of a Conditional Use Permit Amendment from the City of White Bear Lake at the following site:

ADDRESS: 2180 7th Street

LEGAL DESCRIPTION: Lots 2, 3 and 4, Block 38, White Bear, according to the recorded plat thereof, Ramsey County, Minnesota and The Westerly 25.0 feet of the Burlington Northern and Sante Fe Railway Company's (formerly Northern Pacific Railway Company) St. Paul to Duluth Branch Line right-of-way, being 50 feet wide on the Westerly side and of variable width on the Easterly side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across the SE ¼ NE ¼ of Section 14, Township 30, North, Range 22 West of the 4th Principal Meridian, Ramsey County, Minnesota, lying between two lines drawn parallel with and distant, respectively, 25.0 feet and 50.0 feet Westerly of, as measured at right angles from said Main Track centerline and bounded between the South lines of Seventh Street and the North line of Sixth Street, all according to the recorded plat of the Original Town of White Bear Lake, Minnesota, thereof, Ramsey County, Minnesota. (PID # 143022140086 & 143022140144)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit Amendment to add an automatic indoor motorcycle wash in addition to the existing mechanical car wash equipment, per Code Section 1301.050; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on September 24, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit amendment upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.

4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Because of the low number of trips generated by the use, the traffic generation will be within the capabilities of the streets serving the site.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the sign resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The motorcycles shall be turned off while waiting, and be walked forward as the line progresses, until it is time to load the cycle onto the equipment. A sign requiring such shall be visibly posted, design and location to be approved by staff.
5. A sign shall be posted at the exit(s) of the building, reminding customers of the City's noise ordinance; design and location(s) to be approved by staff.
6. Hours of operation shall be limited to 8:00 a.m. to 8:30 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays.
7. The applicant shall obtain a building permit prior to installing the equipment for the new wash system.
8. The new equipment shall not be utilized until a final inspection has been passed.
9. The applicant shall track all vehicles washed per day (including motorcycles and other specialty vehicles). The applicant shall submit the data annually to the City by January 31st starting this year (ie: 2018 data due 1-31-19).
10. City staff shall revisit the use in 2020 and compare water billing data to insure that the use is within the anticipated water usage as projected. The City reserves the right, through a public hearing with proper legal notice, to consider further amendment of the use and operation to



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Ashton Miller, Planning Technician

Date: October 1, 2018 for the October 9, 2018 City Council Meeting

Subject: **John Manship – Variance**
4766 Peggy Lane – Case No. 18-14-V

REQUEST

A variance from the 35% rear yard cover limit to allow 52% coverage in order to repave an existing driveway.

SUMMARY

No one other than the applicant spoke to the matter. He had concerns with reducing the width of the driveway in the side yard. On a 4-0 vote, the Planning Commission recommended approval with a revision to condition #5.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution of approval.

ATTACHMENTS

Revised Resolution of Approval.

RESOLUTION NO.

**RESOLUTION APPROVING A VARIANCE
FOR 4766 PEGGY LANE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-14-V) has been submitted by John Manship to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4766 Peggy Lane

LEGAL DESCRIPTION: Lot 20, Block 3, Interlake Park Plat 1, (PID #: 153022410025)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A variance from the 35% limit on the amount of accessory uses and structures which cover the rear yard area per Code Section 1302.030, Subd.4.i.2.e in order to repave an existing garage and maintain 52% rear yard coverage; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on September 24, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of White Bear Lake accepts and adopts the following findings of the Planning Commission in relation to the requested variance:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance as recommended is the minimum variance necessary.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The special condition or circumstance is not the result of actions of the applicant, the property owner or a predecessor in title.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A zoning permit shall be obtained before any work begins.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. The applicant shall amend the plans to reduce the driveway width in the front yard from 12 feet to 10 feet.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

John Manship

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Anne Kane, Community Development Director

Date: October 4, 2018 for the October 9, 2018 City Council Meeting

Subject: **Alexa Adams – Deck Variance**
1880 4th Street - Case No. 18-15-V

REQUEST

A 5 foot variance from the 10 foot setback required for a deck in a side yard in order to reconstruct a 9' x 18' deck off the existing sliding door on the west side of the residence.

SUMMARY

No one from the public spoke. On a 4-0 vote, the Planning Commission recommended approval as presented.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution of approval.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO.
RESOLUTION GRANTING A VARIANCE FOR
1880 4TH STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA

WHEREAS, a proposal (18-15-V) has been submitted by Alexa Adams to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 1880 4th Street

LEGAL DESCRIPTION: The West 70 feet of Lot 2 and the East 10 feet of Lot 3, Block 4, of W.F. Krech Addition to White Bear Lake, Ramsey County, MN. (PID # 143022320020)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: a request for a variance for a 5-foot variance from the 10 foot side yard setback for a deck, per Code Section 1303.060, Subd.5.c.2, in order to reconstruct a deck.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on September 24, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 4. The special conditions and circumstances are not the result of actions of the owner or a predecessor in title.
- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requests, subject to the following conditions:

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. The variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal.
- 3. A building permit shall be obtained and all required inspections shall be scheduled. Any changes which are cited as necessary by the building department shall be made within 6 months.
- 4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
 Nays:
 Passed:

 Jo Emerson, Mayor

ATTEST:

 Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

Applicant's Signature

Date

Print Name



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: October 3, 2018 for the October 9, 2018 City Council Meeting

Subject: **Michael McHugh – Variance**
2262 11th Street - Case No. 18-16-V

REQUEST

A 5-foot variance from the 25-foot setback for the side yard abutting a public right-of-way in order to build a new single family home that is 30 feet wide at its widest point.

SUMMARY

No one from the public spoke. On a 4-0 vote, the Planning Commission recommended approval as presented.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution of approval.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO.

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 2262 11TH STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-16-V) has been submitted by Michael McHugh, to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 2262 11th Street

LEGAL DESCRIPTION: Lot 1, Block 14 White Bear, Ramsey County, MN
(PID: 133022220027)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 5-foot variance from the 25-foot setback required along a side abutting a public right of way, per Code Section 1303.060, Subd.5.c.2, in order to construct a new single-family residence with two bump-outs that is 30 feet wide at its widest point; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on September 24, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variance, subject to the following conditions:

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit, including all the architectural details of the exterior building elevations.
- 2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. The existing curb cut shall be removed and the street restored to the City’s standard design specifications.
- 5. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit, the applicant shall:

- 6. Submit tree preservation calculations and a replacement plan, subject to staff approval.
- 7. Provide a stormwater infiltration system plan for any excess impervious area per Section 1303.230, Subd. 5. Design to be reviewed and approved by the City Engineer.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Michael McHugh

Date



City of White Bear Lake
Community Development Department

M E M O R A N D U M

To: Ellen Richter, City Manager

From: Ben Eggan, Building Official

Date: October 4, 2018

Subject: **Adopting the 2018 International Property Maintenance Code and the deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements**

BACKGROUND

The City Council conducted first reading of the proposed, modified 2018 International Property Maintenance Code at its meeting on August 15, 2018. A notice of public hearing was published in the City's official newspaper on August 29, 2018. The City Council held second reading of the proposed ordinance on September 25, 2018 at which time the Council voted to delay adoption for another two weeks to allow time for additional fine-tuning and public input.

SUMMARY

After second reading, the White Bear Area Chamber of Commerce emailed Chamber Members the next day with the summary of changes created by staff and the listing of cities who have adopted the IPMC. White Bear Area Chamber Executive Director, Tom Snell, reported that the Woodbury Chamber did not have any complaints from businesses.

During the September 25th meeting, a member of public claimed the option for mechanical ventilation was missing in the first reading, but was added in the second reading (502.240 Ventilation). Staff compared this section of code submitted at first reading with this section of code submitted at second reading and verified there were no changes between versions (other than one spelling and number correction). Staff stands by the memo submitted to Council on September 25th, which highlighted all the substantive changes made to the proposed code between first and second reading.

Concerns expressed by the public and resulting staff actions are summarized below:

Request	Staff Action
Formatting and numbering to included decimals	Incorporated
Retain the IPMC Means of Appeal Section	Not Incorporated
Means of Appeal, change from 5 days to 20 days	Changed to 10 days
Section on Carbon Monoxide Alarms & Detection only contain this information	Added last section 502.450 Life Safety to separate requirements for licensed rental dwellings

Apart from renumbering and reformatting, a summary of the changes since 2nd reading on September 25th are as follows:

502.010, Subd. 3 Intent. Existing non-conforming conditions that do not pose a threat to public health and safety ~~may~~ shall be allowed to remain as determined by the Code Official.

502.020, Subd. 7. Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in the Minnesota State Building Code...”

502.110, Subd. 1. Means of Appeal. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this ordinance, such person may appeal the compliance order to the City Manager within ~~five (5)~~ ten (10) days after service of the compliance order.

Such appeals must be in writing, must specify the grounds for appeal, must be accompanied by a filing fee in the amount as prescribed ~~by resolution~~ in the annual fee schedule approved by the City Council, in cash or cashier's check, and must be filed with the Community Development Department within ~~five (5)~~ ten (10) days after service of the City Manager's ruling.

502.120. Subd. 4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amount set forth in the ~~fee schedule as adopted by resolution~~ annual fee schedule approved by the City Council.

502.140 Added a definition for: Multi-Family. A dwelling designed for occupancy by two or more families living independently of one another.

502.430. Subd. 1 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the ~~Code~~ Minnesota State Fire Code...

502.430. Subd. 7.a. Exceptions:

~~1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.~~

~~2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.~~

1. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

502.450 LIFE SAFETY section created to pull out requirements for licensed rental dwellings from the Carbon Monoxide Alarms and Detection section.

RECOMMENDATION

Staff recommends the City Council adopt the ordinance as presented.

Staff also recommends the City Council adopt the Summary Resolution to facilitate publication.

ATTACHMENT

Memo from Second Reading

Memo from First Reading

Summary Resolution

Ordinance



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Ben Eggan, Building Official

Date: September 19, 2018

Subject: **SECOND READING: Adopting the 2018 International Property Maintenance Code and the deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements**

BACKGROUND

The City Council conducted first reading of the proposed, modified 2018 International Property Maintenance Code at its meeting on August 15, 2018. A notice of public hearing was published in the City's official newspaper on August 29, 2018.

SUMMARY

At the wishes of the Council, staff reached out to, and shared the proposed ordinance with the Chamber of Commerce and Main Street so the business community had an opportunity for review. Building Official Ben Eggan met with members of the business community on Thursday, Sept. 20 to go over the proposed ordinance and its anticipated impact. Staff fielded questions from various members of the community.

Since first reading, in addition to minor tweaks in numbering, the following two small sections were added to the code, which were inadvertently removed during the renumber and reformatting of the IPMC for consistency with the City's Municipal Code.

§502.145 GENERAL.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Subd. 2. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

Subd. 3. Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§502.190 HANDRAILS AND GUARDRAILS

Subd. 1. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code

RECOMMENDATION

Staff recommends the City Council consider public comment during second reading toward repeal and replacement of Chapter 502 Minimum Housing Standards with a modified version of the 2018 International Property Maintenance Code; and deletion of Chapter 804 Minimum Fire Protection Standards for Hard Wired Smoke Detector Installation.

Staff also recommends the City Council adopt the Summary Resolution to facilitate publication.

ATTACHMENT

Memo from First Reading
Summary Resolution
Ordinance



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Ben Eggan, Building Official

Date: April 2, 2018

Subject: **Adopting the 2018 International Property Maintenance Code and the deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements**

BACKGROUND

Staff previously came before the City Council to discuss the concept of replacing the existing White Bear Lake Housing Ordinance with the 2018 International Property Maintenance Code (IPMC). Based on comments and discussion with the City Council, staff has reviewed the IPMC and prepared amendments to the document in preparation for its adoption.

As the City Council may recall, the White Bear Lake Housing Ordinance, Chapter 502 is our current minimum housing standard for residential dwelling units only. It applies to owner-occupied dwellings and rental units within the jurisdiction. Chapter 502 does not address property maintenance of commercial buildings. When introduced to the Council last year, there was consensus to consider a comprehensive property maintenance ordinance that will apply to all buildings in the City of White Bear Lake.

SUMMARY

Staff reviewed the 2018 International Property Maintenance Code (IPMC). The IPMC is a model code written by the International Code Conference (ICC). The document applies to residential dwellings, multi-family, hotels, motels, office, warehouse, retail, industrial buildings etc. The IPMC establishes minimum requirements for the maintenance of existing buildings. The intent of the IPMC is to establish provisions that adequately protect public health, safety and welfare. The IPMC is a property maintenance code that establishes minimum standards for the structural components, building egress systems, and weather resistance of the building envelope. The IPMC establishes minimum criteria for basic equipment, light, ventilation, plumbing facilities, HVAC mechanical systems, electrical wiring, sanitation, and fire safety. Staff has researched the property maintenance codes adopted by our surrounding communities and has found over 30 other cities in the metropolitan area have adopted the IPMC.

When comparing the White Bear Lake Minimum Housing Standard to the 2018 International Property Maintenance Code it is apparent that both documents cover the same basic concepts with respect to property maintenance and life safety. Therefore, by adopting the 2018 IPMC we will

not be losing any of the basic housing standards that we currently have. The major differences between the two documents is that the IPMC provides minimum requirements for maintenance of both residential and commercial buildings in our jurisdiction. The administrative chapter of the IMPC provides excellent guidance with regard to administration of the code and enforcement procedure. The IMPC has independent chapters that address each building system such as light and ventilation, plumbing, heating, electrical, fire etc. The IMPC provides a comprehensive chapter that establishes minimum standards for fire life safety, means of egress, fire resistance, fire protection systems, smoke and carbon monoxide detection.

Staff also reviewed White Bear Lake City Code Chapter 804 related to smoke detector requirements, which revealed a number of requirements that are in conflict with the smoke detector provisions found in the Minnesota State Building Code. This often becomes a burden to property owners and contractors as our requirements do not align with the State Code. To standardize the Code and make the requirements clear and easy to convey to the public, staff is recommending that we delete White Bear Lake Chapter 804 in its entirety. The Minnesota State Code has smoke detector requirements that we currently enforce that are reasonable and adequate.

RECOMMENDATION

The International Property Maintenance Code is a model code commonly used in communities throughout the State of Minnesota. The IPMC contains strong legal language and establishes good administrative procedure. The IPMC regulates all the basic life safety requirements needed to ensure safe residential and commercial buildings. Staff has reviewed the IPMC and has drafted proposed amendments to the base document. Staff recommends repealing the language currently in Chapter 502 of the City Code and replacing it with the 2018 International Property Maintenance Code (IPMC).

To further standardize our Code and make the requirements clear and easy to convey to the public, staff is recommending that we delete White Bear Lake Chapter 804 in its entirety.

ATTACHMENT

Resolution

502. Minimum Property Maintenance Standards

§502.010 TITLE, SCOPE, INTENT AND SERVABILITY.

Subd. 1. Title. These regulations shall be known as the *International Property Maintenance Code* of White Bear Lake hereinafter referred to as "this code."

Subd. 2. Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises* structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner's authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

Subd. 3. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Existing non-conforming conditions that do not pose a threat to public health and safety shall be allowed to remain as determined by the Code Official.

Subd. 4. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

§502.020 APPLICABILITY.

Subd. 1. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Subd. 2. Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner's authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

Subd. 3. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and the Minnesota State Fire Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the White Bear Lake Zoning Ordinance.

Subd. 4. Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

Subd. 5. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

Subd. 6. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

Subd. 7. Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in the Minnesota State Building Code and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the current addition of the Minnesota State Building Code, the provisions of the current addition of the Minnesota State Building Code shall apply.

Subd. 8. Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

Subd. 9. Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

Subd. 10. Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

§502.030 ADMINISTRATION AND ENFORCEMENT.

Subd. 1. General. The City Manager, as the appointing authority, shall designate the code compliance official, or designee, who shall administer and enforce the provisions of this ordinance and is hereby authorized to cause inspections on a scheduled basis, or otherwise when reason exists to believe that a violation of this ordinance has been or is being committed.

Subd. 2. Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

a. Legal Defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Subd. 3. Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be adopted in the annual fee schedule approved by the City Council.

§502.040 DUTIES AND POWERS OF THE CODE OFFICIAL.

Subd. 1. General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subd. 2. Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

Subd. 3. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

Subd. 4. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Subd. 5. Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

Subd. 6. Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

§502.050 APPROVAL.

Subd. 1. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Subd. 2. Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Subd. 3. Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

a. Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test

methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

b. Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

Subd. 4. Used material and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.

Subd. 5. Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

Subd. 6. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

§502.060 VIOLATIONS.

Subd. 1. Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

Subd. 2. Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 502.070.

Subd. 3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 502.070 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Subd. 4. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Subd. 5. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

§502.070 NOTICES AND ORDERS.

Subd. 1. Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 502.080, Subd. 3.

Subd. 2. Form. Such notice prescribed in Subd.1 of this Section shall be in accordance with all of the following:

- a) Be in writing.
- b) Include a description of the real estate sufficient for identification.
- c) Include a statement of the violation or violations and why the notice is being issued.

- d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- e) Inform the property owner or owner's authorized agent of the right to appeal.
- f) Include a statement of the right to file a lien in accordance with Section 502.060, Subd. 3.

Subd. 3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is: delivered personally, or sent by certified or first class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Subd. 4. Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

Subd. 5. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 502.060, Subd.4.

Subd. 6. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§502.080 UNSAFE STRUCTURES AND EQUIPMENT.

Subd. 1. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

a. Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

b. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

c. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

d. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

e. Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire resistance rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Subd. 2. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

a. Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 502.020, Subd. 7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

Subd. 3. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 502.070 Subd. 3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 502.070 Subd. 2.

Subd. 4. Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

a. Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

Subd. 5. Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Subd. 6. Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Subd. 7. Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

§502.090 EMERGENCY MEASURES.

Subd. 1. Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Subd. 2. Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Subd. 3. Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Subd. 4. Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Subd. 5. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

Subd. 6. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

§502.100 DEMOLITION.

Subd. 1. General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized

agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Subd. 2. Notices and orders. Notices and orders shall comply with Section 502.070.

Subd. 3. Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Subd. 4. Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§502.110 MEANS OF APPEAL.

Subd. 1. General. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this ordinance, such person may appeal the compliance order to the City Manager within ten (10) days after service of the compliance order. Such appeals must be in writing specifying the grounds of appeal. The City Manager shall review said request and either approve or deny the appeal.

If the appeal is denied by the City Manager, the applicant may appeal the decision to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the grounds for appeal, must be accompanied by a filing fee in the amount as prescribed in the annual fee schedule approved by the City Council, in cash or cashier's check, and must be filed with the Community Development Department within ten (10) days after service of the City Manager's ruling. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

§502.120 STOP WORK ORDER.

Subd. 1. Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

Subd. 2. Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

Subd. 3. Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Subd. 4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amount set forth in the annual fee schedule approved by the City Council.

§502.130 GENERAL DEFINITIONS.

Subd. 1. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

Subd. 2. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Subd. 3. Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Residential Code, White Bear Lake Municipal Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Subd. 4. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

§502.140 DEFINITIONS.

ANCHORED. Secured in a manner that provides positive connection.

APPEALS BOARD. The White Bear Lake City Council shall be deemed the appeals board.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FAMILY. A family shall be defined as follows:

1. A person or persons related by blood, marriage, or adoption maintaining a common household in a dwelling unit
2. A group or foster care of not more than ten (10) wards or clients all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency
3. A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal

owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MULTI-FAMILY. A dwelling designed for occupancy by two or more families living independently of one another.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

§502.145 GENERAL.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Subd. 2. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

Subd. 3. Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§502.150 EXTERIOR PROPERTY AREAS.

Subd. 1. Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Subd. 2. Grading and drainage. All properties shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. No land shall be developed and no use shall be permitted that results in additional water runoff, causing flooding or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facility. All open disturbed areas of any site shall be stabilized as an erosion control measure in accordance with the provisions of the City's Engineering Design Standards. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one (1) year following the date of building occupancy.

Exception: Approved retention areas and reservoirs.

Subd. 3. Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Commercial property owners and owners of a multiple family dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises. Individual snowfalls of three (3) inches or more, or successive snowfalls accumulating to a depth of three (3) inches or more, shall be removed from parking lots and driveways within twenty-four (24) hours after cessation of the snowfall. Individual snowfalls of one (1) inch or more, or successive snowfalls accumulating to a depth of one (1) inch or more, shall be removed from steps and walkways within eight (8) hours after cessation of the snowfall.

Subd. 4. Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by

approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Subd. 5. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

Subd. 6. Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Subd. 7. Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Subd. 8. Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

§502.160 EXTERIOR STRUCTURE.

Subd. 1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

a. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing

that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

Subd. 2. Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Subd. 3. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Subd. 4. Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Subd. 5. Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Subd. 6. Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Subd. 7. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Subd. 8. Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Subd. 9. Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

Subd. 10. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Subd. 11. Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

Subd. 12. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Subd. 13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

a. Glazing. Glazing materials shall be maintained free from cracks and holes.

b. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Subd. 14. Insect screens. During the period from May 1st to September 30th every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

Subd. 15. Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

Subd. 16. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Subd. 17. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Subd. 18. Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

a. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

b. Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

c. Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Subd. 19. Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

§502.170 INTERIOR STRUCTURE.

Subd. 1. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

a. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

Subd. 2. Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Subd. 3. Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Subd. 4. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Subd. 5. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Subd. 6. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

§502.180 COMPONENT SERVICEABILITY.

Subd. 1. General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

a. Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code as required for existing buildings:

1 Soils that have been subjected to any of the following conditions:

- 1.1 Collapse of footing or foundation system.
- 1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion.
- 1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
- 1.4 Inadequate soil as determined by a geotechnical investigation.
- 1.5 Where the allowable bearing capacity of the soil is in doubt.
- 1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

- 1.1 Deterioration.
- 1.2 Ultimate deformation.
- 1.3 Fractures.
- 1.4 Fissures.
- 1.5 Spalling.
- 1.6 Exposed reinforcement.

- 1.7 Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 1.1 Deterioration.
 - 1.2 Corrosion.
 - 1.3 Elastic deformation.
 - 1.4 Ultimate deformation.
 - 1.5 Stress or strain cracks.
 - 1.6 Joint fatigue.
 - 1.7 Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 1.1 Deterioration.
 - 1.2 Ultimate deformation.
 - 1.3 Fractures in masonry or mortar joints.
 - 1.4 Fissures in masonry or mortar joints.
 - 1.5 Spalling.
 - 1.6 Exposed reinforcement.
 - 1.7 Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 1.1 Deterioration.
 - 1.2 Elastic deformation.
 - 1.3 Ultimate deformation.
 - 1.4 Metal fatigue.
 - 1.5 Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 1.1 Ultimate deformation.
 - 1.2 Deterioration.
 - 1.3 Damage from insects, rodents and other vermin.
 - 1.4 Fire damage beyond charring.
 - 1.5 Significant splits and checks.
 - 1.6 Horizontal shear cracks.
 - 1.7 Vertical shear cracks.
 - 1.8 Inadequate support.
 - 1.9 Detached, dislodged or failing connections.
 - 1.10 Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

§502.190 HANDRAILS AND GUARDRAILS

Subd. 1. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

§502.200 RUBBISH AND GARBAGE.

Subd. 1. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Subd. 2. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

a. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

b. Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded abandoned or stored on premises without first removing the doors.

Subd. 3. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Subd. 4. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

§502.210 PEST ELIMINATION.

Subd. 1. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

Subd. 2. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

Subd. 3. Single occupant. The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for pest elimination on the premises.

Subd. 4. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Subd. 5. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

§502.220 GENERAL LIGHT, VENTILATION AND SPACE.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

Subd. 2. Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

Subd. 3. Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

§502.230 LIGHT.

Subd. 1. Habitable spaces. Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

Subd. 2. Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 foot candle (11 lux) at floors, landings and treads.

Subd. 3. Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

§502.240 VENTILATION.

Subd. 1. Habitable spaces. Every habitable space shall have not less than one operable window. The total operable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 502.230, Subd. 1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Subd. 2. Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 502.240, Section 1,

except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

Subd. 3. Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

Subd. 4. Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Subd. 5. Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

§502.250 OCCUPANCY LIMITATIONS.

Subd. 1. Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Subd. 2. Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

Subd. 3. Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one and two family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

Subd. 4. Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Section 502.230, Subd. 5 - 9.

- a. Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²)

and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof.

b. Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

c. Water closet accessibility. Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

d. Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

e. Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements; the plumbing facilities and water heating facilities requirements; the heating facilities and electrical receptacle requirements; and the smoke detector and emergency escape requirements.

Subd. 5. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 502.250, Subd. 6.

Subd. 6. Table.

MINIMUM AREA REQUIREMENTS

Space	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room (a, b)	120	120	150
Dining room (a, b)	No requirement	80	100
Bedrooms	(Shall comply with Section 502.250 Subd. 4.a)		

For SI: 1 square foot = 0.0929 m2.

a. See Section 502.250 Subd. 6.b for combined living room/dining room spaces.

b. See Section 502.250 Subd. 6.a for limitations on determining the minimum occupancy area for sleeping purposes.

a. Sleeping area. The minimum occupancy area required by Table 502.240 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 502.230 Subd. 4.

b. Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 502.250, Subd. 5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Subd. 7. Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

Subd. 8. Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. Kitchen facilities within every dwelling unit shall contain the following:

1. An approved kitchen sink in good working condition and properly connected to an approved water supply and waste system which provides, at all times, an adequate amount of heated and unheated running water with a pressure of not less than eight (8) P.S.I. at the point of discharge, and which is connected to an approved sewer system.
2. Cabinets and/or shelves, for the storage of eating, drinking and cooking equipment and utensils and/or food which does not require refrigeration, providing a minimum of forty-five (45) cubic feet of storage plus an additional fifteen (15) cubic feet per occupant in excess of one (1). Cabinets, shelves, countertops and tables used for the storage and preparation of foods shall have a hard non-absorbent surface which is easily cleanable and that will not impart toxic or deleterious effects to foods. Cabinet and shelves shall be properly secured to walls and kept in good condition.
3. A cook stove and oven for the preparation of food, and a refrigerator for the safe storage of food, at or below forty (40) degrees Fahrenheit, properly installed with all necessary connections. Such items need not be installed when a dwelling or dwelling unit is not occupied and when the occupant is expected to provide these items at occupancy, in which case, space and connections for their installation and operation shall be provided.

§502.260 GENERAL PLUMBING.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Subd. 2. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

§502.270 REQUIRED FACILITIES.

Subd. 1. Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Subd. 2. Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

Subd. 3. Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

Subd. 4. Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

a. Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Subd. 5. Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Minnesota State Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

§502.280 TOILET ROOMS.

Subd. 1. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

Subd. 2. Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

Subd. 3. Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

Subd.4. Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

§502.290 PLUMBING SYSTEMS AND FIXTURES.

Subd. 1. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Subd. 2. Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

Subd. 3. Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

§502.300 WATER SYSTEM.

Subd. 1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota State Plumbing Code.

Subd. 2. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Subd. 3. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Subd. 4. Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

§502.310 SANITARY DRAINAGE SYSTEM.

Subd. 1. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Subd. 2. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Subd. 3. Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

§502.320 STORM DRAINAGE.

Subd. 1. General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

§502.330 GENERAL MECHANICAL AND ELECTRICAL.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Subd. 2. Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall

not occupy as owner occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

§502.340 HEATING FACILITIES.

Subd. 1. Facilities required. Heating facilities shall be provided in structures as required by this section.

Subd. 2. Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Subd. 3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Subd. 4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Subd. 5. Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

§502.350 MECHANICAL EQUIPMENT.

Subd. 1. Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Subd. 2. Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Subd. 3. Clearances. Required clearances to combustible materials shall be maintained.

Subd. 4. Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

Subd. 5. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Subd. 6. Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

§502.360 ELECTRICAL FACILITIES.

Subd. 1. Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section §502.370.

Subd. 2. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a minimum rating of 60 amperes.

Subd. 3. Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

a. Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

1. Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the Minnesota State Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

- 1.1 Enclosed switches, rated not more than 600 volts or less.
- 1.2 Busway, rated not more than 600 volts.
- 1.3 Panel boards, rated not more than 600 volts.
- 1.4 Switchboards, rated not more than 600 volts.
- 1.5 Fire pump controllers, rated not more than 600 volts.
- 1.6 Manual and magnetic motor controllers.
- 1.7 Motor control centers.
- 1.8 Alternating current high-voltage circuit breakers.
- 1.9 Low-voltage power circuit breakers.
- 1.10 Protective relays, meters and current transformers.
- 1.11 Low and medium voltage switchgear.
- 1.12 Liquid-filled transformers.
- 1.13 Cast-resin transformers.
- 1.14 Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
- 1.15 Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
- 1.16 Luminaires that are listed as submersible.
- 1.17 Motors.

1.18 Electronic control, signaling and communication equipment.

b. Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

1. Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Minnesota State Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

§502.370 ELECTRICAL EQUIPMENT.

Subd. 1. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Subd. 2. Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Subd. 3. Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

Subd. 4. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

§502.380 ELEVATORS, ESCALATORS AND DUMBWAITERS.

Subd. 1. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

Subd. 2. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

§502.390 DUCT SYSTEMS.

Subd. 1. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

§502.400 GENERAL FIRE SAFETY.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Subd. 2. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

§502.410 MEANS OF EGRESS.

Subd. 1. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Building Code.

Subd. 2. Aisles. The required width of aisles in accordance with the Minnesota State Building Code shall be unobstructed.

Subd. 3. Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

Subd. 4. Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

§502.420 FIRE-RESISTANCE RATINGS.

Subd. 1. Fire resistance rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire resistance rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

Subd. 2. Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the code official shall act in accordance with the Minnesota State Building Code.

Subd. 3. Maintenance. The required fire-resistance rating of fire resistance rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire resistance rated assemblies shall be protected by self or automatic

closing doors of approved construction meeting the fire protection requirements for the assembly.

a. Fire blocking and draft stopping. Required fire blocking and draft stopping in combustibles concealed spaces shall be maintained to provide continuity and integrity of the construction.

b. Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with the Minnesota State Building Code.

c. Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with the Minnesota State Building Code.

Subd. 4. Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with the Minnesota State Building Code. The application of field applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

a. Signs. Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR - DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR - KEEP CLOSED.

b. Hold-open devices and closers. Hold open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

c. Door operation. Swinging fire doors shall close from the full open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

Subd. 5. Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire resistance rated horizontal assembly shall be prohibited.

Subd. 6. Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

Subd. 7. Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required by the Minnesota State Building Code. New floor openings in existing buildings shall comply with the Minnesota State Building Code.

Subd. 8. Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

Subd. 1. Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the Code Minnesota State Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

a. Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

b. Required fire protection systems. Fire protection systems required by Minnesota Rule Chapter-part 1306 Subp.3., as adopted by the City of White Bear Lake shall be installed, repaired, operated, tested and maintained in accordance with the Minnesota State Fire Code.

c. Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the Minnesota State Fire Code requirements.

1. Automatic sprinkler systems
2. Automatic fire-extinguishing systems protecting commercial cooking systems
3. Automatic water mist extinguishing systems
4. Carbon dioxide extinguishing systems
5. Carbon monoxide alarms and carbon monoxide detection systems
6. Clean-agent extinguishing systems
7. Dry-chemical extinguishing systems
8. Fire alarm and fire detection systems
9. Fire department connections
10. Fire pumps
11. Foam extinguishing systems
12. Halon extinguishing systems
13. Single and multiple-station smoke alarms
14. Smoke and heat vents and mechanical smoke removal systems
15. Smoke control systems
16. Wet-chemical extinguishing systems

Subd. 2. Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the Minnesota State Fire Code.

Subd. 3. Table.

FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM STANDARD

Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

a. Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

b. Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

Subd. 4. Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with the Minnesota State Fire Code to bring the systems back in service.

a. Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in the Minnesota State Fire Code.

Subd. 5. Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

a. Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

b. Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the Minnesota State Fire Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

c. Termination of monitoring service. For fire alarm systems required to be monitored by the Minnesota State Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

Subd. 6. Fire Department Connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

a. Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences,

bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of the Minnesota State Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

b. Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall mounted fire department connections and around the circumference of free standing fire department connections.

Subd. 7. Single and multiple station smoke alarms. Single and multiple station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Section 502.430, Subd. 7.a - Subd. 7.c.

a. Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Section 502.430, Subd. 7.a.1 - Subd. 7.a.4. Interconnection and power sources shall be in accordance with Section 502.430, Subd. 7.b and Subd. 7.c.

Exceptions:

1. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

1. Group R-1. Single or multiple station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

2. Groups R-2, R-3, R-4 and I-1. Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

3. Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 502.430, Subd. 7.a.1 or Subd. 7.a.2:

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

4. Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required the Section 502.430, Subd. 7a.1 or Subd. 7.a.2.

b. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

c. Power source. Single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

d. Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single and multiple station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in the Minnesota State Fire Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with the Minnesota State Fire Code
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with the Minnesota State Fire Code.

Subd. 8. Single and multiple-station smoke alarms. Single and multiple station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one and two family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

§502.440 CARBON MONOXIDE ALARMS AND DETECTION.

Subd. 1. General. Carbon monoxide alarms shall be installed in dwellings in accordance with the Minnesota State Building Code.

Subd. 2. Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with the Minnesota State Building Code. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

§502.450 LIFE SAFETY.

Subd. 1. Requirements for Licensed Rental Dwellings. City ordinances and laws and regulations of the State of Minnesota, including the Minnesota State Fire Code, are applicable to all dwelling and dwelling units covered by this ordinance. All rental properties shall also meet the following life safety criteria:

- a) Every bedroom located in a basement of a rental property shall have an egress window which complies with the current Minnesota State Building Code.
- b) Rental dwelling units shall have smoke detectors installed in every bedroom and in areas that provide access to bedrooms. Smoke detectors used to comply with this provision shall be hardwired or long life battery operated detectors (10 years).
- c) Every rental dwelling unit shall have carbon monoxide detectors installed as required by Minnesota State Building Code. Carbon Monoxide detectors shall be either hardwired into the electrical wiring, directly plugged into an electrical outlet, or battery powered.
- d) Every rental dwelling unit shall be provided with at least one, 1A 10BC fire extinguisher. The fire extinguisher shall be located in the kitchen or otherwise readily accessible to the occupant at all times. In multi-unit apartment buildings fire extinguishers may be located in hallways or corridors providing access to dwelling units in accordance with the Minnesota State Fire Code.

RESOLUTION NO.

A RESOLUTION ESTABLISHING THE TITLE AND SUMMARY APPROVAL OF MINIMUM PROPERTY MAINTENANCE STANDARDS ORDINANCE 18-10-2032, WHICH REPEALS AND REPLACES CHAPTER 502 MINIMUM HOUSING STANDARDS; AND DELETION OF CHAPTER 804 MINIMUM FIRE PROTECTION STANDARDS FOR HARD WIRED SMOKE DETECTOR INSTALLATION

FOR PUBLISHED NOTICE.

WHEREAS, the City of White Bear Lake City Council may, pursuant to Ordinance No. 83-6-666, adopt a title and summary of a proposed ordinance to be published in lieu of lengthy entire ordinances, and

WHEREAS, in addition to adopting a title and ordinance summary, the Council shall direct the City Clerk to:

1. Have available for inspection during regular office hours a copy of the entire ordinance.
2. Post a copy of the entire ordinance at the White Bear Lake Branch of the Ramsey County Public Library.
3. Receive an affidavit of publication of the title and summary from the official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby adopts the aforementioned title and summary for approved Ordinances listed below:

MINIMUM PROPERTY MAINTENANCE ORDINANCE 18-10-2032

The ordinance establishes minimum property standards, including smoke detector requirements, and extends standards to cover commercial properties in addition to residential properties within the City of White Bear Lake.

FURTHER, BE IT RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to provide the inspection and publication requirements as listed above.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____ carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Jesse Farrell, Assistant City Engineer

Date: October 2, 2018

Subject: **Correction to Final Assessment Roll for the 2018 Street Reconstruction Project, City Project No.: 18-01**

BACKGROUND / SUMMARY

The assessment roll for the 2018 Street Reconstruction Project included was incorrect for 4921 Johnson Avenue. This property did not agree to a sanitary sewer wye replacement but the wye was replaced during construction. The property owner did agree to pay half of the sewer wye assessment. The assessment roll has been corrected to reflect a change to this property's assessment.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council adopt the resolution revising the assessment roll in the 2018 Street Reconstruction Project with the correct assessment for 4921 Johnson Avenue.

ATTACHMENTS

Resolution
Revised Assessment Roll for 18-01

RESOLUTION NO.:

**RESOLUTION ADOPTING REVISED ASSESSMENT ROLL FOR
2018 STREET RECONSTRUCTION PROJECT
EIGHTH STREET / NINTH STREET / TENTH STREET / ELEVENTH STREET /
MOREHEAD AVENUE / JOHNSON AVENUE
CITY PROJECT NOS. 18-01**

WHEREAS, on September 25, 2018, the City Council of the City of White Bear Lake conducted a public hearing and adopted an assessment roll for properties included in the 2018 Street Reconstruction Project (No. 18-01), and

WHEREAS, the assessment rate for the property at 4921 Johnson Avenue was incorrect, and

WHEREAS, it is necessary to modify the assessment roll to revise the street assessment for this property, and

WHEREAS, a revised assessment roll has been prepared.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that:

1. The assessment rate for the property at 4921 Johnson Avenue is hereby revised.
2. The revised assessment roll is hereby approved.
3. The revised assessments for the 2018 Street Reconstruction Project, No. 18-01 in the amount of \$696,242.73, a copy of which is attached, is hereby accepted, and shall constitute the special assessments against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvements in the amount of the assessment levied against it.
4. Such assessment shall be payable in annual installments extending over a period of fifteen (15) years for residential properties, and twenty years (20) years for apartments and commercial properties, the first of the installments to be payable with the 2019 Property Taxes and shall bear interest at the rate of five and one quarter percent (5.25%) per annum from the date of adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2019. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

RESOLUTION NO.:

5. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole or a portion of the assessment on such property, to the City of White Bear Lake, and no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this resolution; and they may, at any time thereafter, pay to the County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the succeeding year.
6. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the proper tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: September 26, 2018

Subject: **Special Assessment Deferments for the 2018 Street Reconstruction Projects**

BACKGROUND / SUMMARY

The City's Assessment Policy provides for the deferment of special assessments for property owners who are 65 years of age or older. We have received two requests for senior deferments on the 2018 assessment rolls and have prepared the attached resolution for City Council consideration which would defer the assessments for 4958 Stewart Avenue and 4926 Johnson Avenue. The property owners understand that while the assessments can be deferred until they sell the property that interest does continue to accrue.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council adopt the resolution approving the two special assessment deferments.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION APPROVING A DEFERRED SPECIAL ASSESSMENT
FOR PROPERTIES AT 4958 STEWART AVENUE (PIN 133022220033) AND 4926
JOHNSON AVENUE (PIN 133022220085)**

CITY PROJECT NO.: 18-01

WHEREAS, the City of White Bear Lake performed street reconstruction work on Stewart and Johnson Avenues during the 2018 construction season, and

WHEREAS, a portion of the cost of the street reconstruction project was assessed to adjoining property owners, and

WHEREAS, the City's Assessment Policy provides for the deferment of special assessments for senior citizens (over age 65) with specific conditions, and

WHEREAS, the owner of the property at 4958 Stewart Avenue and 4926 Johnson Avenue has requested a senior citizen deferment of the special assessments for the 2018 Street Reconstruction Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that:

1. The City Council of the City of White Bear Lake hereby approves the request for senior citizen deferments of special assessments for properties at 4958 Stewart Avenue and 4926 Johnson Avenue.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Ellen Hinker, City Manager

From: Jesse Farrell P.E., Assistant City Engineer

Date: October 4, 2018

Subject: **Final Payment to Park Construction Company for the 2017 Mill and Overlay Project, City Project Nos. 17-01, 17-04, 17-10 & 17-13**

BACKGROUND/SUMMARY

Park Construction Company has completed all work specified in their contract for the 2017 Mill and Overlay Project. The 2017 Mill and Overlay Project included Bay Lane (from White Bear Parkway to Birch Lake Blvd S), Gun Club Road (from White Bear Parkway to West cul-de-sac), Parkway Court (from White Bear Parkway to West cul-de-sac), White Bear Parkway (from Bibeau Road to C.S.A.H. 96), Birch Lake Avenue (from Fourth Avenue to Bald Eagle Avenue), Bloom Avenue (from Fifth Street to Ninth Street), Fifth Street (from Bald Eagle Avenue to Division Avenue), Miller Avenue (from Second Street to Fourth Street), Murray Avenue (from Second Street to Fourth Street), Second Street (from Bald Eagle Avenue to T.H. 61), Third Street (from Bald Eagle Avenue to City Hall), City Hall (Parking Lot), Cedar Avenue (from Hoffman Road to T.H. 61), Cedar Lane (from Linden Avenue to West End), Linden Avenue (from County Road E to Cedar Avenue), Linden Place (from Linden Avenue to East cul-de-sac), Tony Court (from Linden Avenue to East end), Cheri Court (from Linden Avenue to 233' east), and Cedar Avenue (from White Bear Avenue to Bellaire Avenue).

The 2017 Mill & Overlay Project included Full Reconstruction of Central Avenue (from Fifth Street to Seventh Street), Miller Avenue (from Fourth Street to Fifth Street), Murray Avenue (from Fourth Street to Fifth Street), and Bloom Avenue (from Fourth Street to Fifth Street).

The original contract amount was \$1,847,739.43 with an alternate base bid of \$36,525.00. The value of the work completed is \$1,850,365.95. This contract is based upon unit prices for milling and paving, and the final contract amount is based on actual work performed. The Engineering Department recommends that the City Council accept the work and authorize the final payment to Park Construction Company in the amount of \$11,217.83.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council adopt the resolution finalizing payment for completion of 2017 Mill and Overlay Projects.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING WORK AND AUTHORIZING
FINAL PAYMENT TO PARK CONSTRUCTION COMPANY FOR THE
COMPLETION OF THE 2017 MILL AND OVERLAY PROJECT
CITY PROJECT NOS.: 17-01, 17-04, 17-10 & 17-13**

WHEREAS, pursuant to a written contract signed with the City of White Bear Lake, Park Construction Company, has satisfactorily completed the work included in the 2017 Mill and Overlay Project, in accordance with such contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the work completed under said contract in the amount of \$1,847,739.43 with an alternative base bid of \$36,525.00 is hereby accepted and approved; and

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment in the amount of \$11,217.83 on such contract, taking the contractor's receipt in full.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Park Advisory Commission Meeting Minutes

AUGUST 16, 2018

6:30 P.M.

Sports Center

MEMBERS PRESENT	Bryan Belisle, Anastacia Davis, Mike Shepard, Don Torgerson, Joann Toth
MEMBERS ABSENT	Bill Ganzlin,
STAFF PRESENT	Mark Burch
VISITORS	
NOTE TAKER	Mark Burch

1. CALL TO ORDER

The meeting was called to order at 6:30 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from July 19, 2018 was moved by Bryan Belisle and seconded by Joann Toth. Motion carried.

3. APPROVAL OF AGENDA

Approval of the August 16, 2018 agenda was moved by Mike Shepard and seconded by Bryan Belisle. Motion carried.

4. COMMITTEE REPORTS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

a) Summer Park Tours – White Bear Lake Sports Center

The Park Advisory Commission met at the Sports Center to tour the nearly completed renovation. The project will be completed in time for the fall skating season.

7. OTHER STAFF REPORTS

None.

8. COMMISSION REPORTS

None.

9. OTHER BUSINESS

None.

10. ADJOURNMENT

The next meeting will be held on September 15, 2018 at 6:30 p.m. at Podvin Park.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Bryan Belisle and seconded by Joann Toth.

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: August 15, 2018	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Bonnie Greenleaf ,Rick Johnston, Gary Schroeher (Chair), June Sinnett, Robert Winkler	
COMMISSION MEMBERS ABSENT	Chris Greene	
STAFF PRESENT	Connie Taillon	
VISITORS	None	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:34 pm.

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes. Staff added the raingarden planting day to Item 7, staff updates. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to approve the agenda as amended. Motion carried, vote 6/0.

3. APPROVAL OF MINUTES

a) June 20, 2018 meeting

The commission members reviewed the June 20, 2018 draft minutes and had no changes. Commissioner Sinnett moved, seconded by Commissioner Bolstad, to approve the minutes of the June 20, 2018 meeting as presented. Motion carried, vote 6/0.

4. VISITORS & PRESENTATIONS

None

5. UNFINISHED BUSINESS

a) Environmental Resource Expo

Commission members discussed the Environmental Resource Expo at Marketfest that was held on July 26th. All of the free Ramsey County bags and kitchen compost containers were given away. The Ramsey County aluminum can guessing game was very popular. The other exhibitors had informative and fun interactive displays and many people enjoyed touring the hybrid bus. The Scouts did a great job with setup and takedown again this year. Commissioner Johnston asked staff to send a note to the Scouts thanking them for their help.

Commission members want to continue the event next year and will consider adding additional displays and giveaway items at the City/County table. Commissioner Johnston would like to see the exhibit items prior to the event next year. Staff is interested in further discussion about handing out a thank you note and water to each exhibitor as they are setting up.

b) Current do-outs

No discussion.

6. NEW BUSINESS

None

7. DISCUSSION

• **Staff Updates**

- Master Water Steward Programs

Staff reported that Vadnais Lake Area Water Management Organization, Rice Creek Watershed District, and Ramsey Washington Metro Watershed District are recruiting volunteers for the 2018/2019 Master Water Steward training that runs from October to March. The Master Water Stewards website has further information.

- Raingarden planting day

The 4th and Johnson raingarden planting day is scheduled for Saturday, September 8th from 9am to 11am. Staff will create a postcard for commission members to distribute.

• **Commission Member Updates**

- Commissioner Winkler attended the Aquatic Invasive Species event at Matoska Gazebo on June 26th. Washington and Ramsey County representatives collected native and invasive plants from White Bear Lake to display at the event.

• **September Agenda**

- Staff will add the 2018-2019 work plan discussion to the September agenda.

8. ADJOURNMENT

The next meeting will be held on September 19, 2018, 6:30pm at City Hall. Commissioner Greenleaf moved, seconded by Commissioner Johnston, to adjourn the meeting at 6:58 pm. Motion carried, vote 6/0.



White Bear Lake Conservation District, 4701 Highway 61, White Bear Lake, MN 55110
Telephone: (651) 429-8520 Email: wblcd@msn.com Web: www.wblcd.org

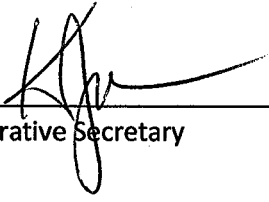
REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 pm White Bear Lake City Hall
Minutes of August 21, 2018

APPROVAL DATE: Not approved

1. **CALL TO ORDER** the August 21, 2018 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, Secretary/Treasurer Diane Longville, Directors: Brady Ramsay, Scott Costello, Mike Parenteau, Susie Mahoney absent were Directors Geoff Ratte, Barton Winter, Marty Rathmanner,. A quorum was present.
3. **AGENDA** - Chair DeSmet asked for any changes to agenda - none
4. **APPROVAL OF MINUTES OF** – July 17, 2018 board meeting Motion (DeSmet/Second) Moved to approve all aye passed.
5. **PUBLIC COMMENT TIME** – Brian McGoldrick asked that a review of commercial bay be done within the next 60 days. Chair DeSmet said we can not commit to the 60 days timeline at this time but will address this issue at the next Executive Committee meeting and will let Brian know what is decided.
6. **NEW BUSINESS** - None
7. **UNFINISHED BUSINESS** - None
8. **REPORTS/ACTION ITEMS**
Executive Committee – The executive committee did not meet this month.
9. **Lake Level Resolution Committee** – Presented by Chair DeSmet in Barton Winter's absence Committee made an attempt to have a meeting but had some difficulties so will continue working on setting up a meeting with committee members.
10. **Lake Quality Committee** – Mike Parenteau
 - **Lake Level** – as of today 923.64 6 inches higher than last year and 4 inches lower than last month.
 - **Lake water temperature** – 76 degrees, last month was 79 degrees and a year ago at this time it was 74 degrees.
 - **EWM** –Steve McComas will be preparing the lake survey on August 23rd. If anyone would like to ride along in the boat there is room for one more.
11. **Lake Utilization Committee** – Mark Ganz
 - John Redpath request for a second slalom waterski course. It will be run as the single course is currently run, the two would never be in the same bay at the same time. The committee agreed to try this after Labor Day and thereafter have this a part of the

ATTEST:

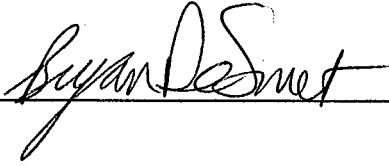
Kim Johnson
Executive Administrative Secretary



Date:

9/18/18

Bryan DeSmet
Board Chair



Date:

9-18-18

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
September 24, 2018**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, September 24, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Acting Chair Mark Lynch.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Ken Baltzer, Mary Alice Divine, Mark Lynch, and Marvin Reed.

MEMBERS EXCUSED: Jim Berry, Peter Reis, and Erich Reinhardt.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: John Manship, Alexa Adams, Alicia McHugh, Jason Hoth, Tom Spee, Matthew Park, and David Phillips.

2. APPROVAL OF THE MONTH SEPTEMBER 24, 2018 AGENDA:

Member Baltzer moved for approval of the agenda. Member Reed seconded the motion, and the agenda was approved (4-0).

3. APPROVAL OF THE MONTH AUGUST 27, 2018 PLANNING COMMISSION MEETING MINUTES:

Member Reed moved for approval of the minutes. Member Divine seconded the motion, and the minutes were approved (4-0).

4. CASE ITEMS:

A. **Case No. 85-11-Sa:** A request by **Matthew Park** for a Conditional Use Permit Amendment, per Code Section 1301.050, in order to add an automatic indoor motorcycle wash at 2180 7th Street.

Crosby discussed the case. Staff recommended approval subject to conditions laid out in the staff report.

Member Divine asked for clarification on Condition #9 about water usage. Crosby stated that staff anticipates the 2020 review to be done administratively only.

Member Lynch requested a description of the sewer availability charge (SAC). He noted that he has not seen the west door open before, so losing access to it may not greatly affect stacking and traffic flow.

Crosby responded that a SAC is the fee one pays to discharge into the sewer and is determined by the Metropolitan Council. Recent changes to the calculation leads staff to believe that should the car wash reapply, their SAC fee may be reduced or brought to zero.

Lynch opened the public hearing.

David Phillips, Architect, appreciates the staff report. He mentioned his concern with condition #4. He thought it important to clarify that the motorcycles will have to be started to get into the building.

Phillips stated the company would like the week night hours to be extended to 8:30 pm. The summer months stay light until 9 pm or later. Summer is when motorcycles will visit the car wash and the later hours will help to accommodate more patrons.

Phillips continued that for the automatic washes, they will receive annual counts from the machinery, but for the detailing service, they will have to track the number of vehicles washed themselves. He asserted that it was important to be a successful business and not impede on the surrounding neighborhood, so they are open to feedback.

Member Reed questioned the usability of the west door. He is afraid that without access to the door, a stacking problem may occur, and asked if the applicants had considered utilizing the east door for the motorcycle wash.

Phillips responded that the car wash will lose access to the west door, that they do not expect stacking to be a problem, and that they could not use the east door due to the structure of the building.

Member Baltzer raised concern with the noise coming out of the car wash at the stop light and asked if the applicants could let their clients know that the City has a noise ordinance.

Member Lynch reiterated this concern, stating that an intensification of noise could be an intensification of use.

Phillips replied that they have no authority over customers once they are off the premises, but would be willing to put a sign up reminding patrons of the noise ordinance as they left the wash.

Member Reed suggested that when staff looks at water usage in a few years to also look at complaints. Staff concurred with this request.

Member Lynch asked if January 15 is enough time for the applicants to gather data on the number of vehicles washed per day. Phillips stated January 31 is more ideal.

As no one else came forward, Lynch closed the public hearing.

Member Divine asked if extending the week day hours to 8:30 pm is okay. The other members affirmed that it was.

Member Lynch listed the three changes the Planning Commission discussed. Closing time on weekdays would be 8:30 pm, the deadline for providing tracking data to the City would be moved to January 31, and a sign regarding noise would be required at the exit of the wash.

Member Baltzer moved to recommend approval of Case No. 85-11-Sa with the amendments and added condition. Member Reed seconded the motion. The motion passed by a vote of 4-0.

- B. **Case No. 18-14-V:** A request by **John Manship** for a variance to allow 52% rear yard cover, above the 42% allowed per Code Section 1302.030 Subd.4.i.2.e, in order to resurface an existing driveway at 4766 Peggy Lane.

Miller discussed the case. Staff recommended approval subject to conditions laid out in the staff report.

Member Divine asked if a permit was issued when the driveway was constructed in 1986.

Miller responded that staff was only aware of a garage permit. Kane added that the City may not have required driveway permits at that time.

Member Reed questioned what the reduction in the front achieves. He agreed that a reduction along the side may be cumbersome and should be kept to the front only. Miller stated the reduction in the front is meant to offset the amount of coverage in the back.

Lynch opened the public hearing.

John Manship, applicant, 4766 Peggy Lane. He expressed his concern about the reduction along the side. He has no problem narrowing the front, but wants to keep the driveway at 12 feet along the side.

As no one else came forward, Lynch closed the public hearing.

Baltzer agreed with the applicant regarding the side yard driveway width.

Reed suggested modifying condition #5 to remove the language requiring a reduction along the side of the house.

Member Reed moved to recommend approval of Case No. 18-14-V with the modification discussed. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

- C. **Case No. 18-16-V:** A request by **Michael McHugh** for a 5-foot variance from the 25-foot setback required from a side abutting the public right-of-way, per Code Section 1303.060 Subd.5.c.2, in order to build a new single-family residence that is 30 feet wide at its widest point at 2262 11th Street.

Crosby discussed the case. Staff recommended approval of the variance.

Member Lynch commented on how the old house would need a variance too. This proposed house is beautifully designed. He suggested that a second floor might be impossible due to the vaulted ceilings.

Lynch opened the public hearing.

Alicia McHugh, applicant, 2262 11th Street. She expressed gratitude for the opportunity to be heard and thanked Sam for her hard work. She is looking forward to being a part of the community.

As no one else came forward, Lynch closed the public hearing.

Member Reed moved to recommend approval of Case No. 18-16-V. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

- D. **Case No. 18-15-V:** A request by **Alexa Adams** for a 5-foot variance from the required 10-foot side yard setback per Code Section 1303.050 Subd.5.c.2, in order to reconstruct a previously removed deck at 1880 4th Street.

Kane discussed the case. Staff recommended approval of the variance subject to standard conditions.

Member Reed asked about a comment on the deck plans regarding the movement of the stairs to the wall. Kane reported that was the applicant's change and not a staff recommendation.

Lynch opened the public hearing.

Alexa Adams, applicant, 1880 4th Street. She appreciates the effort staff has put in to the case and looks forward to being able to use her patio door.

Member Reed asked if the applicant was aware that the existing footings would need to be replaced. Adams responded that yes she was.

As no one else came forward, Lynch closed the public hearing.

Member Reed moved to recommend approval of Case No. 18-15-V. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

5. DISCUSSION ITEMS:

- A. City Council Meeting Minutes of September 11, 2018.
No discussion.
- B. Park Advisory Commission Meeting Minutes of September 20, 2018 – not available.

6. ADJOURNMENT:

Member Reed moved to adjourn, seconded by Member Baltzer. The motion passed unanimously (4-0), and the September 24, 2018 Planning Commission meeting was adjourned at 7:56 p.m.

DRAFT



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: September 14, 2018

Subject: **Special Assessment for Utility Improvements at 1900 Hinkley Street**

BACKGROUND / SUMMARY

The property owners at 1900 Hinkley Street have had to undertake expensive repairs to their water service line and have requested that the City assist them by assessing the cost of the work to their property. A petition has been signed by the property owners requesting assistance and authorizing the assessment.

RECOMMENDED COUNCIL ACTION

The Engineering Department has reviewed the work, the cost, and recommends that the City Council approve the assessment at 1900 Hinkley Street adopting an assessment in the amount of \$6,300. Our recommendation is that the City Council adopt the resolution.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION CERTIFYING WATER SERVICE REPAIRS / REPLACEMENT
ASSESSING THOSE CHARGES TO THE PROPERTY FOR COLLECTION AS A
SPECIAL ASSESSMENT AT 1900 HINKLEY STREET (PIN 233022220081)**

WHEREAS, the City of White Bear Lake has on occasion assisted homeowners and businesses with necessary repairs; and

WHEREAS, the owners of property at 1900 Hinkley Street has requested financing assistance from the City for costs related to water service repair; and

WHEREAS, pursuant to Minnesota Statutes Chapter 429, the City Council may consider a petition to finance the repairs to a water service line; and

WHEREAS, all conditions for these improvements have been met, including charges totaling \$6,300.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that:

1. All costs related to water service repair for 1900 Hinkley Street have been paid by the City of White Bear Lake; and
2. A special assessment totaling \$6,300.00 shall be levied against the properties due and payable over a term of ten (10) years at an annual rate of five and a quarter percent (5.25%).

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk