

Chapter 6

Buildings and Building Regulations*

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Buildings and Building Regulations

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Article I. In General**Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial unit means any individually owned or rented tenant space in a building, or portion of a building, subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy.

Conduit means a conduit (e.g., HDPE) system capable of housing and protecting fiber optic cable between a handhole and telecommunications point of presence. Conduit can be installed via open trench, plowing, or directional drilling.

Construction valuation, when used to determine the permit fee, means the sum of all materials, equipment and market value of labor, profit and overhead to complete the work for which the permit is issued. When materials, equipment or labor is furnished by other than the applicant, the fair market value shall be included in the construction valuation.

Future high-speed broadband service means offering a minimum one gigabit connection capable service, in addition to any service provided by the incumbent and dominant (largest market share in St. Louis Park, Minnesota) cable television and wireline telephone providers.

Gigabit connection means a connection using a transmission technology based on the Ethernet frame format and protocol used in local area networks (LANs), and which provides a symmetrical (download and upload) data rate of 1 billion bits per second.

Handhole means a shallow form of manhole giving access to a top row of ducts in an underground telecommunications system.

Innerduct is smaller conduit (or tube) used to subdivide large ducts for the placement of optical fiber cables in the underground conduit system.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Telecommunications point of presence (POP) means the point at which two or more different networks or communication devices build a connection with each other. POP mainly refers to an access point, location or facility that connects to and helps other devices establish a connection with the public telephone system, cable television system, and/or Internet.

Temporary structure means any membrane structure, tent, reviewing stand, shed, canopy, air, cable or frame supported structure or as defined in the state building code or fire code.

Wiring closet means a wiring rack that connects outside lines with internal lines. It is used to connect public or private lines coming into the building to internal networks and to dwelling units and commercial units.

(Ord. No. 2625-21, 8-23-2021)

Cross reference(s)--Definitions generally, § 1-2.

Secs. 6-2--6-30. Reserved.

Article II. Permits and Inspections**Sec. 6-31. Permit required.**

It is unlawful for any person to engage in any activity for which a permit is required by any provision of this chapter or any other law or ordinance of the city without first obtaining the permit required under this section.

Sec. 6-32. Permit fees.

(a) Except as otherwise provided in this chapter, all fees for permits under this article, including investigation fees, shall be fixed and determined by the city council, adopted by resolution and uniformly enforced. Such permit fees may, from time to time, be amended by city council resolution. A copy of the resolution setting forth currently effective permit fees shall be kept on file by the city and shall be open to inspection during regular business hours.

(b) When permit fees are based upon construction valuation, the applicant must provide the actual construction valuation as defined in section 6-1. The city shall review the construction valuation for accuracy, consistency and comparison with typical construction cost data provided by the state building code division. The submitted valuation may be raised or lowered by the city before the fee is determined and the permit is issued.

(c) When work regulated by a permit has begun without first obtaining such permit, the applicant shall pay an investigation fee equal to the cost of the permit in addition to the complete permit fees before the permit will be issued.

Sec. 6-33. Refunds.

Permit fee refunds will be made only upon written cancellation of a permit by the permit holder within 180 days of permit issuance provided no work authorized by the permit has occurred. The City shall retain an administrative fee equal to 20% of the permit fee up to a maximum of \$100. Plan review fees are not refundable.

(Ord. No. 2240-03, 4-21-03)

Sec. 6-34. Permit applications.

(a) *Forms.* All applications for permits shall be made upon forms furnished by the city for such purpose. All information requested on the permit application must be completed by the applicant for the application to be considered.

(b) *Investigations.* All initial permit applications which require an investigation shall be accompanied by payment of a nonrefundable investigation fee to cover the cost of investigation. All applications shall be accompanied by the required fee and any and all other information or documentation required for issuance of a permit required under this chapter.

(c) *Proof of licensure.* If a contractor is required to be licensed by the state or the city to perform the work regulated by the permit, the contractor must first submit evidence of a valid license to perform the work before a permit may be issued. Contractors with only a water conditioning contractors license shall be issued permits only for water conditioning work in a single-family residential unit in accordance with M.S.A. §§ 326.57--326.65.

Sec. 6-35. Inspections.

(a) *Required.* All work regulated by this chapter is required to be inspected. The permit holder must notify the city and request an inspection when work is ready for inspection. The request for inspection must be made in advance and during normal city business hours.

(b) *After-hours inspections.* A permit holder may request the city to perform required inspections outside of normal city business hours when inspection of the work is an emergency, or the nature of the work makes inspection during regular hours impractical. The request to the city for an after-hours inspection must be made in writing, and if approved, a special after-hours inspection fee as set by resolution of the city council must be paid before the city will perform the inspection.

Secs. 6-36--6-65. Reserved.**Article III. Building Code****Sec. 6-66. Minnesota State Building Code.**

(a) *Adopted.* The Minnesota State Building Code established pursuant to M.S.A. §§ 362B.101--362B.16, as it may be amended from time to time, is adopted in its entirety as the building code for the city. The code is incorporated in this Code as if fully set out in this section.

(b) *Optional chapters adopted.* As authorized by Minnesota Rule 1300.0060, as it may be amended from time to time, the following optional chapters of the Minnesota Rules are adopted:

- (1) Minnesota Rules Chapter 1306, Special Fire Protection Systems with selection of Section 1306.0020 Municipal Option, Subp. 2.

(c) *Application, administration, and enforcement.* The application, administration, and enforcement of the state building code shall be in accordance with Minnesota Rules Chapter 1300.

(d) *Violations.* A violation of the state building code is a misdemeanor.

(Ord. No. 2240-03, 4-21-2003; Ord. No. 2335-07, 9-14-2007; Ord. No. 2626-21, 9-20-2021)

Sec. 6-67. Permits.

(a) *Required.*

- (1) The issuance of permits and the collection of permit fees shall be as authorized in M.S.A. § 326B.121, subd. 2, as it may be amended from time to time.
- (2) Permits are required for all work covered by the state building code including plumbing, electrical, private sanitary sewer, storm sewer, water service and fire service piping from the public main to the place of termination. All plans required to be submitted, as part of a plumbing permit application, will be reviewed by the city. A plan review fee may be charged.
- (3) Permits for work other than as set forth in subsection (a)(2) of this section may be required when specified in this chapter.

- (4) No person shall perform any work or allow work regulated by the state building code to occur without first obtaining a permit from the city for such work. No building permit shall be issued unless the proposal complies with section 36-39 of this Code of Ordinances.
- (5) Permits for private sanitary sewer, storm sewer, water service and fire service piping from the public utility system to the point of termination may be issued only to licensed plumbers or to a person holding a Minnesota Pipelayer or Training Certification issued by the Minnesota Utility Contractors Association and an unlicensed contractor's bond certificate issued by the state department of health.

(Ord. No. 2626-21, 9-20-21)

(b) *Plumbing permit exceptions.*

- (1) Permits are not required for the repair of leaks in a water supply, drain, waste or vent piping and valves. However, if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace it with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the state building code.
- (2) Permits are not required for the clearing of stoppages in pipes and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of pipes or fixtures.
- (3) Permits are not required for annual testing of reduced pressure zone (RPZ) backflow valves in potable water supply lines. A permit is required for the removal, replacement or reconstruction of RPZ valves.

(c) *Permit fees.*

- (1) Permit fees shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code and shall be approved and revised by city council resolution. Fees must be paid prior to a permit being issued.
- (2) A surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with M.S.A. § 16B.70.
- (3) All other fees and charges associated with the permit required by other authorized agencies must be paid prior to issuance of the permit.

(d) *Term of permit.*

- (1) Permits for plumbing, utilities and electrical construction shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained to do so, and a fee shall be paid as shall be set from time to time by the city and a schedule of such fee is listed in appendix A to this Code.
- (2) All other permits expire within 180 days of issue of such permits unless otherwise specified in this chapter or regulated in the state building code.

(Ord. No. 2218-02, § 2, 2-4-2002)

Sec. 6-68. Building demolition.

(a) *Permit required.* No building structure or portion of a structure shall be demolished until a demolition permit has been issued by the city. Prior to issuance of a demolition permit, all utilities to the structure to be demolished must be disconnected, plugged or capped and approved by the city. A utility permit and inspection of the disconnected utilities is required by the city.

(b) *Exception.* A separate demolition permit is not required for removal of accessory structures to single-family residential buildings when demolition is included in a building permit for construction of a replacement accessory structure of the same type on the same property.

(c) *Deposit.*

(1) Prior to issuance of a demolition permit, the applicant for such permit shall deposit with the city a cash security as shall be set from time to time by the city and a schedule of such cash security is listed in appendix A to this Code. The city may draw upon the security for any expense incurred by the city for damage to city property resulting from any work associated or related to the demolition. The city may also draw on the security for restoration of the property where demolition occurred if the applicant fails to restore the property in a reasonable period of time. Restoration may include filling, grading, erosion control, fencing or any other action necessary to maintain the property in a safe and code complying condition.

(2) The city shall return the security deposit or remaining balance of such security deposit within 30 days after the work authorized by the permit is found to be in conformance with the applicable state building code requirements, and restoration of the site is finished.

(d) *Inspection.* The permit holder must notify the city in advance of demolition work and request an inspection to verify removal of all construction debris from the site before any filling occurs. A final inspection request to verify completion of site restoration is required before release of the security deposit.

Sec. 6-69. Certificate of occupancy.

(a) *Required.* Before any building or structure shall be occupied or used, in whole or in part, for any purpose whatsoever, a certificate of occupancy must be issued by the city pursuant to requirements of the state building code. No certificate of occupancy shall be issued unless the proposal complies with section 36-38 of this code of ordinances.

(1) *New, expanded, and remodeled buildings.* All new, expanded, and remodeled buildings must comply with all applicable city codes and any conditions required under the permit authorizing such work before a certificate of occupancy will be issued.

(2) *Additional occupancies required.* In addition to the occupancies specified in the state building code, R-3 single-family residential occupancies are required to have a certificate of occupancy issued in accordance with the provisions of this code.

(b) *Temporary certificate of occupancy.* The city may issue a temporary certificate of occupancy prior to the completion of all work, provided all of the following conditions are met:

(1) The building substantially complies with all applicable codes and no imminent hazards exist.

- (2) The building substantially complies with the provisions of the state building code for allowing temporary occupancy.
 - (3) The permit holder or owner responsible for completion of the work provides the city with a written agreement to complete all work required for issuance of the certificate of occupancy, specifying the items to be completed and the completion dates.
 - (4) All temporary certificates of occupancy shall include an expiration date. All work must be completed and approved by the city by the expiration date.
- (c) *Change in occupancy classification.*
- (1) No person shall cause or allow a change in "occupancy classification," as such term is defined in the state building code, of any building or portion of a building without first receiving a certificate of occupancy in accordance with this section for the proposed use.
 - (2) When a change of occupancy is not included with an approved building permit, the owner or representative is required to complete a permit application for a change in occupancy classification and pay the application fee which fee shall be set and approved from time to time by the city and a schedule of such fees is listed in appendix A to this Code.
 - (3) The applicant for a change in occupancy classification must make the building where the change of occupancy is requested available for inspection by the city during normal city business hours.
 - (4) A certificate of occupancy may be issued following inspection for conformance with all applicable codes for the proposed occupancy. A temporary certificate of occupancy may be issued in accordance with the provisions for temporary certificates of occupancy as set forth in subsection (b) of this section if correction work on the property which does not constitute a hazard must be completed.

(Ord. No. 2218-02, § 2, 2-4-2002)

Sec. 6-70. Temporary structures.

(a) No person shall erect, install or place a temporary structure within the city without first having obtained a permit from the city for such temporary structure.

(b) The temporary structure permit shall contain an expiration date not to exceed 180 days, at which time the temporary structure shall be removed.

(c) The city may renew temporary structure permits upon reapplication and payment of the required temporary structure permit fee, which fee shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code, provided that the temporary structure is not erected for more than 180 days in any 270-day period.

Sec. 6-71. Construction Management Plan.

(a) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Demolition means the removal or destruction of more than fifty percent (50%) of the area of exterior walls.

New Construction means the complete construction of a building from footings or above grade.

Major Addition means the construction of a second story of any size or a building addition totaling five hundred (500) square feet or greater.

(b) Construction Management Plan Required. A Construction Management Plan is required for Demolition or New Construction of, and Major Additions to, all one and two family dwellings.

- (1) *Application.* The applicant for a building permit or demolition permit must complete the Construction Management Plan on a form to be provided by the city building official and submit required information before a permit will be issued.
- (2) *Written Neighborhood Notification.* At least seven (7) calendar days before Demolition, New Construction, or construction of a Major Addition commences, written notification of the proposed activity and general construction schedule must be provided to all neighbors within two hundred (200) feet of the construction property.
- (3) *For Demolitions and New Construction:*

Neighborhood Meeting. The applicant must conduct a neighborhood information meeting within the notification area before Demolition or New Construction commences. The date, time, and location of the meeting must be included within the Written Neighborhood Notification.

If construction does not begin within three months of the meeting, a new written neighborhood notification is needed before construction commences.

Site Signage. A sign must be posted on the property before Demolition or New Construction commences, identifying the nature of the project, the permit holder, a contact name and phone number, and the site address. The sign must also display a City provided phone number. The sign must be between five (5) square feet and six (6) square feet in surface area. The sign and the content of the sign must be visible from the street and be kept in place until the completion of the project.

(Ord. No. 2456-14, §1, 11-15-14)

Secs. 6-72--6-100. Reserved.

Article IV. Moving Buildings*

Sec. 6-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

Road authority means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing bodies of cities when the governing bodies or city streets are specifically referred to.

Cross reference(s)--Definitions generally, § 1-2.

***Cross reference(s)**--Environment and public health, ch. 12.

Sec. 6-102. Building mover's license.

It is unlawful for any person to move, remove or hold up any building within the limits of the city without a license to do so issued by the state.

Sec. 6-103. Building moving permits.

(a) *Required.* It is unlawful for a licensed building mover to move any building over, along or across any highway, street or alley in the city without first obtaining a building moving permit from the city.

(b) *Exception.* A building moving permit is not required for merely transporting buildings through the city, (i.e., where the building does not originate in the city and is not being located within the city), provided the road authority has issued a permit for moving the building on a road under the road authority's jurisdiction.

(c) *Application.* All applications for building moving permits shall be made at least three days prior to the proposed moving date.

(d) *Fees.* Permit fees shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code.

Sec. 6-104. Deposit for expense.

(a) *Amount.* Upon receipt of an application for a building moving permit, the city shall obtain an estimate of the expenses that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the city, or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the building moving permit, the applicant for such permit shall provide the city with a cash security equal to the amount of the estimated expenses.

(b) *Deposit refund.* After the building has been moved, the city shall determine all expenses incurred in removing and replacing all city property, and of all material used in the removal and replacement, together with a statement of all damages caused to or inflicted upon city property. The city shall return to the applicant all deposits after a sum sufficient to pay for all of the costs, expenses and damages done to city property by reason of the removal of the building has been deducted from the deposit.

(c) *Expenses above deposit.* The permittee shall be liable for all expenses, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such damages, costs or expenses if such are not paid within 30 days of notification.

(d) *Unsafe premises.* If the permittee fails to comply with the requirements of this article, the city shall proceed to do all work necessary to leave the original premises in a safe and sanitary condition, if the removal site is located within the city. The cost of the work shall be charged against the deposit and/or the permittee's bond held by the commissioner of transportation.

Sec. 6-105. Grounds for refusal to issue permit.

The city shall refuse to issue a permit upon a finding that:

- (1) Any application requirement or any fee has not been complied with;
- (2) The building is too large to move without endangering persons or property in the city;
- (3) The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- (4) The building is structurally unsafe or unfit for the purpose for which it is to be moved, if the location to which the building is to be moved is in the city;
- (5) The applicant's equipment is unsafe, and persons or property would be endangered by its use;
- (6) The building would violate zoning, the building code or other ordinances in its new location; and
- (7) For any other reasons, persons or properties in the city that would be endangered by the moving of the building.

Sec. 6-106. Inspections.

The city shall inspect the building to be moved, and the permit applicant's equipment to determine whether the standards for issuance of a building moving permit are met.

Sec. 6-107. Streets designated for building removal.

The city shall designate in the building moving permit the streets, railroad crossings and bridges within the city over which the building may be moved. The city shall work with the appropriate road authority in determining the designated streets and times which the building may be moved over such streets. In making their determinations the road authority and city shall act to ensure maximum safety to persons and property in the city, and to minimize congestion and traffic hazards on public streets.

Sec. 6-108. Duties of permittee.

Every permittee under this article shall:

- (1) Move a building only over streets designated for such use in the written building moving permit.

- (2) Notify the road authority and the city in writing of any change in the desired moving date and hours as proposed in the permit application.
- (3) Notify the road authority and city in writing of any and all damage done to city property or any public utility property as a result of the moving of the building, within 24 hours after the damage or injury has occurred.
- (4) Display warning lights on every side of the building during the nighttime and warning flags during the daytime while the building is being moved or standing on a street, in such a manner as to warn the public of the obstruction and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building. Warning lights with open flames shall not be used.
- (5) Remove the building from city streets within the time specified in the building moving permit unless an extension is granted by the city.
- (6) Comply with the building code, chapter 36 of this Code and all other applicable ordinances and laws in moving the building and/or removing or relocating the building within the city.
- (7) Pay the expense of any traffic officer ordered by the city to accompany the movement of the building and to protect the public from injury at a rate set from time to time by the city in the schedule of fees listed in appendix A to this Code.
- (8) Remove all rubbish and materials and fill all excavations with approved fill to existing grade at the original building site, if located within the city, so that the premises are left in a safe and sanitary condition.
- (9) Plug the sewer with a concrete stopper, shut off water and return the water meter to the city if the original building site is within the city. The permittee shall notify the gas and electric service companies to remove their services.
- (10) Complete promptly, within 90 days after the building relocation, all remodeling, additions or repairs as shown on the plans accompanying the application.

Secs. 6-109--6-140. Reserved.

Article V. Property Maintenance Code

Sec. 6-141. General requirements.

(a) The requirements of this article apply to all buildings, structures and property within the city.

(b) All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with city and state codes must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation.

(c) State statutes and codes which apply to or affect existing buildings are considered part of this Code.

(d) Specific requirements of other sections of this Code, including, but not limited to, zoning, fire, and nuisances, shall supersede the general requirements of this article.

(e) In cases where a conflict may occur between requirements of this article or other codes, the requirement providing the greatest degree of life safety, property maintenance and general welfare to the city shall govern.

Sec. 6-142. Code adopted.

The International Property Maintenance Code, 2012 edition, as published by the International Code Council is adopted as the property maintenance code of the city, for the control of buildings and structures as provided in this article; and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this article, as if fully set out in this section, with the additions, insertions, deletions and changes as set forth in section 6-143.

(Ord. No. 2258-03, § 1, 12-1-03; Ord. No. 2491-16, 5-2-16)

Sec. 6-143. Revisions.

The following sections of the International Property Maintenance Code, 2012 edition, are revised as follows:

Section 101.1. Title. Amended to read: These regulations shall be known as the Property Maintenance Code of the City of St. Louis Park, hereinafter referred to as "this code."

Section 102.1. General. Deleted

Section 102.3. Application of other codes. Amended to read: 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 City of St. Louis Park Code of Ordinances.

Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this Code shall mean the applicable provisions of St. Louis Park Code of Ordinances or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.

Exception. Delete

Section 102.7.1 Conflicts. Deleted

Section 102.7.2 Provisions in referenced code and standards. Deleted

Section 102.10 Other laws. Deleted

Section 103.2. Appointment. Amended to read: The director of inspections shall be the code official.

Section 103.5 Fees. Deleted.

Section 104.3 *Right of Entry.* Amended to read: Where it is necessary to make an inspection to enforce the provisions of the 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 or other person have charge or control of the structure or premises and request entry. If consensual entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

Section 106.3 *Prosecution of violation.* Amended to read: Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, 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 expenses incurred in carrying out the enforcement of the provisions of this ordinance shall be included as an assessment for a service against the property by the City Clerk.

Section 107.1 *Notice to person responsible.* Amended to read: 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 to the owner or occupant of the structure. Failure to provide notice under this section shall not invalidate any proceedings initiated by the City.

Section 107.2 *Form. Subsection 5.* Deleted.

Section 107.2 *Form. Subsection 6.* Deleted.

Section 107.6 *Transfer of ownership.* Deleted.

Section 108.1 *General.* Amended to read: 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 subject to the provisions of this code.

Section 108.1.5.(7) Amended to read: 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 harbor for vagrants, criminals, or enables persons to resort to the building or structure for committing a nuisance or unlawful act.

Section 108.2 *Closing of vacant structures.* Amended to read: 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 the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner 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 assessed to the real estate upon which the structure is located.

Section 108.3 *Notice.* Amended to read: Whenever a code official has determined a structure or equipment is unsafe, a structure is unfit for human occupancy or a structure is unlawful 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 or person occupying the premises.

Section 108.4 Posting. Amended to read: Upon failure of the owner, occupant, or persons responsible to comply with the notice provisions within the time given, the code official shall place a posting on the premises or on the defective equipment which shall provide a statement of the penalties for occupying the premises, operating the equipment, or removing the posting.

Section 108.4.1 Posting removal. Amended to read: The code official shall remove the posting whenever the defect or defects upon which the enforcement action and posting were based have been eliminated. Any person who defaces or removes a posting without the approval of the code official shall be subjected to the penalties provided by this code.

Section 108.5 Prohibited occupancy. Amended to read: Any occupied structure posted by the code official shall be vacated as ordered by the code official. Any person who shall occupy a posted premise or shall operate posted equipment, and any owner or person responsible for the premises who shall let anyone occupy a posted premise or operate posted equipment, shall be liable for the penalties provided by this code.

Section 109.6 Hearing. Deleted.

Section 110.1 General. Amended to read: The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgement after review is 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.

Section 111.1 Request for appeal hearing. Amended to read: Any person directly affected by a notice or order issued under this code shall have the right to an appeal hearing when requested in writing to the city. The hearing shall be held within 20 days of the city receiving a request for appeal. A request for appeal shall be based on a claim that the true intent of this code or the rules legally adopted under this code have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that strict application of any requirement of this code would cause undue hardship.

Section 111.2 Hearing official. Amended to read: The city manager or his/her appointed designee shall serve as the hearing official for all appeals of this code. The hearing official shall consider all relevant evidence, documents and verbal presentations submitted during the hearing from the appeals applicant and the code official. Within ten days following the appeal hearing, the hearing official shall notify the applicant and code official in writing of the decision.

Section 111.3 Limitations of authority. Amended to read: An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted or the provisions of this code do not fully apply. The Hearing Official shall have no authority to waive the requirements of this code.

Section 111.4 Stays of enforcement. Amended to read: Appeal requests, except for imminent danger orders or hazardous building notices, shall stay the enforcement of the notice and order until the hearing official has notified the applicant and code official in writing of a decision on the appeal.

Section 111.5 Postponed hearing. Delete

Section 111.6 Board decision. Delete

Section 111.7 *Court review.* Delete

Section 111.8 *Stays of enforcement.* Delete

Section 112.4 *Failure to comply.* Delete

Section 202 *GENERAL DEFINITIONS – CONDEMN.* Deleted.

Section 202 *GENERAL DEFINITIONS – ULTIMATE DEFORMATION.* Amended to read: The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength or as determined by a Minnesota Registered Engineer.

Section 302.2 *Grading and Drainage.* Amended to read: All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure locate thereon. The following is a recommendation for Stormwater Runoff and Drainage Controls for the Property Maintenance Code shall apply:

- a) Adequate Surface drainage:
 - All properties within the City shall maintain adequate surface drainage in a manner that does not create a public nuisance, health or safety hazard, or cause harm to persons or adjacent property due to changes in surface runoff or settlements due to lack of maintenance.
- b) Point Source Discharges:
 - Gutter downspouts, sump pump discharges, swimming pools, and other point source discharges shall be directed towards vegetated areas. They shall not be directed towards existing structures or impervious surfaces in a manner that will create a safety or health hazard on adjacent properties or create a public nuisance
- c) Construction Storm water management:
 - If a scope of land disturbance does not require an erosion and sediment control permit as described in Chapter 12 – Environment, the activity shall adhere to the City’s erosion and sediment control standards and not discharge sediment or sediment laden water from the property.

Section 302.3 *Sidewalks and Driveways.* Amended to read: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions such as but not limited to broken pavement, potholes, tripping hazards and vegetation growth through the parking or sidewalk surfaces.

Section 302.4. *Weeds.* Amended to read: All premises and exterior property shall be maintained free from all noxious weeds or turf grass growth in excess of six inches.

Section 302.8. *Motor vehicles.* Amended to read: Except as otherwise provided in this St. Louis Park Municipal Code of Ordinances, no junk vehicle, stock car, racing car, inoperative vehicle, or unlicensed motor vehicle shall be parked, kept or stored on any premises unless within a totally enclosed structure. No vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless totally enclosed. Spray painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception.

Any vehicle is permitted to undergo major overhaul, including minor sheet metal or fiberglass panel repair and finishing, provided that such work is performed inside a structure

or similarly enclosed area designed and approved for such purposes. Automotive maintenance and repair shall be limited to the owners/occupants who reside at that address.

Section 304.3 Premises identification. Amended by adding: Property abutting alleys shall also have the street address posted so as to be visible from the alley. Address numbers must be placed on the building nearest the alley and meet the same requirements as for the numbers facing the primary street frontage.

Section 304.3.1 Multiple dwelling identification. Amended by adding new section to read: All units and rooms in multiple dwelling buildings, including, but not limited to, homes for the aged, hotels, motels, lodging houses and boarding houses, apartments and condominiums shall be identified as separate units by consecutive numbering or lettering which shall be placed on the door in Arabic numerals or English capital letters, with a minimum size of three inches and a one-half- inch stroke.

Section 304.7 Roofs and Drainage. Amended to read: The roof and flashing shall be maintained sound, weather-tight, and in good repair. Roofs shall not have defects or deterioration that allow precipitation to pass. 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. Asphalt shingles that are worn or curled shall be repaired or replaced.

Section 304.13.1. Glazing. Amended to read: Glazing must be maintained, securely held in place, and free from holes or missing pieces. No jagged or abrasive edges are permitted.

Section 304.13.2. Openable windows. Amended to read: Every window required by this code for ventilation or egress must be easily openable and capable of being held in place by window hardware.

Section 304.13.3. Storm Windows. Amended by adding: All openable windows with a single layer of glass, in rental dwelling units, must be provided with tightfitting storm windows. Storm windows may be temporarily removed to allow for the installation of screens during periods of warm weather.

Section 304.14. Insect screens. Amended to read: When insect screens are installed over openings into any building they must be maintained in good condition, securely held in place, and free from holes or tears.

Exception. Deleted.

Section 304.14.1. Screens required. Amended by adding new section to read: All openable windows in rental dwelling units must be provided with tightfitting insect screens of not less than 16 mesh per inch. Insect screens may be temporarily removed to allow for the installation of storm windows during periods of cold weather.

Section 304.15.1. Landings. Amended by adding new section to read: Exterior doors, other than storm doors must swing over a floor or landing of at least the width of the door opening, extending from the threshold for a distance at least equal to the door width, and must not be more than eight inches below the height of the door threshold.

Section 304.18.1. Doors. Deleted.

Section 305.7. Food preparation. Amended by adding new section to read: All 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.

Section 308.3.1. Garbage facilities. Deleted.

Section 308.4. Construction debris. Amended by adding new section to read: All debris from construction, remodeling, repair or demolition of a building shall be placed in approved dumpsters or contained to prevent scattering of any debris from the project site. Dumpsters or contained areas shall be emptied, cleaned, maintained and free of overflow.

Section 310 Outdoor Storage. Amended by adding new section: Unless specifically permitted by the Zoning Code Chapter 36, no outdoor storage, personal or business items are permitted. Items include, but not limited to the following; lawnmowers, snow blowers, lawn/garden equipment, construction material or equipment.

Exemption – The following items are exempt from the outdoor storage prohibition of this section:

- a) Clothesline poles and lines
- b) Patio furniture
- c) Barbecue grills
- d) Ornamental yard enhancements (landscaping, light poles, trellises, benches designed for exterior use and other permanent improvements designed to enhance the appearance of the yard).
- e) Children's play equipment

Section 402.1. Habitable spaces. Amended to read: Every habitable space shall have at least one window facing directly to the outdoors or to a court.

Exception. Where natural light for the room or space is provided from an adjoining room through an unobstructed opening equal to at least eight percent of the floor area of the interior room or space.

Section 402.4 Exterior Lighting. Amended by adding new section: Exterior lighting shall be maintained, operational and free of broken or defective lenses and housing.

Section 403.1. Habitable spaces. Amended to read: Every habitable space shall have at least one openable window directly to the outdoors or to a court.

Exception. When the room or space is provided with a mechanical ventilation system capable of supplying conditioned or unconditioned air to or removing such air from any space.

Section 403.2. Bathrooms and toilet rooms. Amended by adding exception to read:

Exception. Bathrooms or toilet rooms that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan designed to remove odors from the air.

Section 404. Occupancy limitations. Deleted entire section from 404.1 – 404.7.

Section 503.3. Location of employee toilet facilities. Deleted.

Section 602.2. Residential occupancies. Amended to read: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms when the outdoor temperature is minus 20 degrees Fahrenheit or warmer. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3. Heat supply. Amended to read: Every owner and operator of any building who rents, leases, or lets one or more dwelling units, rooming units, dormitory or guestroom on terms,

either expressed or implied, shall furnish heat in compliance with section 602.2 to the occupants from September 1 to June 1.

Exception. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

Section 602.4. Occupiable workspaces. Deleted.

Section 603.1.1. Appliance testing. Amended by adding new section to read: Central heating appliances shall be tested by a licensed mechanical contractor to verify that the appliance is in a safe working condition when evidence of malfunction, corrosion, deterioration or excessive interior carbon monoxide is suspected.

Section 603.2. Removal of combustion products. Amended to read: All fuel-burning equipment and appliances intended for heating shall be connected to an approved chimney or vent to the exterior of the building.

Exception. Deleted.

Section 605.3. Luminaire locations. Amended by adding: Luminaires are not permitted within or above shelving space within closets and enclosed storage rooms.

Section 606.1 General. Amended to read: Elevators, dumbwaiters and escalators shall be maintained in compliance per MN. State Rule Chapter 1307.

Section 702.1 General. Amended to read: 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 MN State Fire Code.

Section 702.2 Aisles. Amended to read: The required width of aisles in accordance with the MN State Fire Code shall be unobstructed.

Section 702.3. Locked doors. Amended and adding exception to read: All means of egress doors shall be readily openable from the side from which egress is to be made without the need of keys, special knowledge or effort, except where the door hardware conforms to that permitted by the MN State Building Code.

Exception. Double-keyed deadbolts are permitted in existing single-family residential dwellings, residential duplexes and individually owned townhomes.

Section 704.1. General. Amended to read: All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be installed and maintained in an operable condition at all times in accordance with the MN State Fire Code.

Sections 704.2. Amended to read: Smoke Detection and Carbon Monoxide Alarms. All buildings shall have smoke detectors and carbon monoxide alarms installed and operational in accordance with Minnesota Statutes 299F.362 and 299F.51.

Sections 704.3 – 704.4. Deleted entire sections.

Chapter 8. Referenced standards. Amended to read: All references to other codes or standards within this code shall mean the applicable provisions of St. Louis Park Code of Ordinances or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.

(Ord. No. 2258-03; § 2, 12-1-03; Ord. No. 2491-16, 5-2-16)

Secs. 6-144--6-175. Reserved.

Article VI. Certificate of Property Maintenance**Sec. 6-176. Certificate of property maintenance required; exception.**

(a) No person shall sell, purchase, give or transact a change in title or property ownership of a property with one or more buildings or structures without first obtaining a certificate of property maintenance from the city.

(b) A certificate of property maintenance is not required when a certificate of occupancy is required for new construction or a change in occupancy classification.

Sec. 6-177. Application.

(a) *Required.* The owner or owner's representative is required to make application for a certificate of property maintenance before any property is offered for sale, gifted, transferred, contract for deed or other transaction changing the party responsible for the property.

(b) *Fee.* At the time of application, the applicant for a certificate of property maintenance must pay the application fee appropriate for the type of building the request is for. Such fee shall be set from time to time by the city and a schedule of such fees listed in appendix A to this Code.

(c) *Fee Reduction.* If the Applicant provides proof that the Buyer will be demolishing the structure or building, the applicable fee shall be reduced by fifty percent (50%).

(Ord. No. 2454-14; §1, 9-26-14)

Sec. 6-178. Inspection.

(a) *Application.* The applicant for a certificate of property maintenance is responsible for requesting an inspection of the property after making application and payment of fees. An inspection shall be made by the city to determine whether the property use is legal in accordance with city zoning requirements and the property complies with all applicable building, fire, health and property maintenance codes. The entire property and all buildings on the property shall be made available for inspection.

(b) *Special inspection.* The applicant is responsible to have a licensed mechanical contractor inspect and test all central heating appliances which are over 20 years of age when the input of such appliances is not more than 400,000 Btu per hour. The tests shall verify safe operation, including, but not limited to, integrity of the heat exchanger, operating controls and venting. The mechanical contractor conducting such inspection and tests shall submit a written verification of the inspection results to the city and the applicant within three days after completing the inspection.

(c) *Exception.* If the Applicant provides proof that the Buyer will be demolishing the building or structure, an inspection will not be required if the Buyer at the time of application enters into a Temporary Property Maintenance Certificate and Escrow Agreement with the City pursuant to Section 6-180.

(Ord. No. 2454-14; §2, 9-26-14)

Sec. 6-179. Compliance; expiration.

(a) When the property use is legal in accordance with city zoning requirements and the property complies with all applicable building, fire, health and property maintenance codes, a Certificate of Property Maintenance will be issued by the city.

(b) A Certificate of Property Maintenance authorizes the transfer of property for a period of one year from the date of issue, and two years for individual units in multi-family residential buildings. The Certificate of Property Maintenance may only be used for property transfer by the owner named on the Certificate of Property Maintenance or the owner's legal representative.

(c) A one-year extension of the Certificate of Property Maintenance may be issued following a re-inspection of the property and payment of a fee. Such fee shall be set from time to time by the city and a schedule of such fees listed in Appendix A to this Code.

(Ord. No. 2361-08, 1-1-09)

Sec. 6-180. Temporary certificate of property maintenance.

A temporary certificate of property maintenance may be issued by the city permitting the transfer of property, providing:

- (1) No safety or hazardous conditions exist on such property.
- (2) An agreement by the buyer, seller or other responsible person has been executed with the city, whereby the buyer, seller or other responsible person agrees to complete corrections to the property.
- (3) A security to ensure completion of any corrections to the property must be posted with the lender in the form of an escrow or with the city when a lending institution is not involved with the transaction. The security shall be in an amount at least equal to the retail value of the work necessary for compliance with this article. The escrow must be fully maintained until a certificate of property maintenance is issued.

Sec. 6-181. Violations.

Any and all violations of this article must be corrected in a timely manner.

Secs. 6-182--6-210. Reserved.

Article VII. Individual Sewage Treatment Systems Code

Sec. 6-211. Code adopted.

The city adopts and incorporates by reference Hennepin County Ordinance Number 19, Individual Sewage Treatment System Standards for Hennepin County. One copy of such ordinance shall be marked "City of St. Louis Park--Official Copy," and such copy shall be kept on file in the office of the city clerk and shall be open to inspection and use by the public.

Sec. 6-212. Permit required.

A permit from the city is required for all work as specified in the individual sewage treatment system standards. The applicant must submit a permit application, complete plans and evidence of state licensing.

Sec. 6-213. Fees.

Permit fees shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code. Such fees must be submitted to the city before a permit will be issued.

Secs. 6-214--6-300. Reserved.

Article VIII. Efficient Building Benchmarking**Sec. 6-301. Definitions.**

The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Benchmark means to compare the measured energy performance of a building to itself, its peers, or to industry standards, with the goal of informing and motivating performance improvement.

Benchmarking information means information related to a building's energy performance as generated by the benchmarking tool using descriptive information about the physical building, its operational characteristics, and energy and water consumption.

Benchmarking tool means the United States Environmental Protection Agency's Energy Star Portfolio Manager tool, or an equivalent tool as adopted by the city.

Energy means electricity, natural gas, steam, heating oil, or other product sold by a utility for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

Energy performance score means the numeric rating generated by the Energy Star Portfolio Manager tool or equivalent tool adopted by the city that compares the energy usage of the building to that of similar buildings.

Energy Star Portfolio Manager means the tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

Gross square footage means total building floor area of all conditioned space calculated from overall exterior wall dimensions of all below and above grade floors.

Industrial means manufacturing, compounding, processing, packaging, treatment, and assembly of products and materials.

Property owner means a person or entity possessing title to a building, or an agent authorized to act on behalf of the property owner.

Tenant means a person or entity occupying or holding possession of a building or premises pursuant to a rental or lease agreement.

Utility means an entity that distributes and sells natural gas, electric, or thermal energy services for buildings.

Water means supplied, metered potable water for mixed use and irrigation uses.

Sec. 6-302. Benchmarking required.

(a) *Required.* Annual benchmarking is required for all buildings of 25,000 gross square feet or larger. A property owner shall input the energy and water consumed during the previous calendar year and obtain an energy performance score by June 1, 2020, and by every June 1 thereafter. The property owner shall annually provide benchmarking information to the city, in such form as established.

The information input annually by the property owner shall include, but need not be limited to:

- (1) Building characteristics;
- (2) Building use;
- (3) Meter information, including consumption.

(b) *Exemptions.*

- (1) A building if its primary use is industrial, and the industrial use of the building comprises the majority of energy demands for the building. A property owner must make a request to the city to qualify for this exemption. In order to qualify for an exemption, the property owner must permit the city to complete an inspection of the property. The city will determine whether the building qualifies for an exemption based on the requirements contained in this chapter.
- (2) Condominium multiple family residential buildings.
- (3) A property owner may request exemption in writing from the benchmarking and energy assessment requirements of subsection (a) for any of the following:
 - (a) The property is presently experiencing qualifying financial distress such that the property is the subject of a qualified tax lien sale or public auction due to property tax arrearages, the property is controlled by a court-appointed receiver based on financial distress, the property is owned by a financial institution through default by the borrower, the property has been acquired by a deed in lieu of foreclosure, or the property has a senior mortgage which is subject to a notice of default; or
 - (b) The property or areas of the property subject to the requirements of this section have been less than fifty (50) percent occupied during the calendar year for which benchmarking is required; or
 - (c) The property does not have a certificate of occupancy or temporary certificate of occupancy for all twelve (12) months of the calendar year for which benchmarking is required.

Sec. 6-303. Multiple tenant buildings.

Where aggregate data is not available, each tenant located in a property subject to benchmarking under this chapter shall, within thirty (30) days of a request by the property owner and in a form to be approved by the city, provide all information that cannot otherwise be acquired by the property owner that is needed by the property owner to comply with the requirements of this section.

Sec. 6-304. Public disclosure.

The city shall make readily available to the public, and update annually, benchmarking information for the previous calendar year by September 1, 2021, and by every September 1 thereafter.

Sec. 6-305. Violations.

It shall be unlawful for any entity or person to fail to comply with the requirements of this section or to misrepresent any material fact required to be prepared or disclosed by this section.

Violations shall be subject to the Administrative Penalties section of the city code. Violations constitute a misdemeanor offense.

(Ord. No. 2576-19, 12-2-19)

Article IX. Broadband Readiness**Sec. 306. Purpose.**

The purpose of this section is to implement the City Council goal of making St. Louis Park a technology connected community and increase competition and consumer choice for broadband services. This section requires new construction and substantially expanded buildings to prepare for communication technology by requiring minimum improvements to accommodate the technology as it becomes available.

Sec. 307. Applicable buildings.

- (a) New buildings.
- (b) Existing buildings which expand the gross square footage of the building by more than 50 percent.

Sec. 308. Exempt buildings.

- (a) Accessory buildings.
- (b) Single-family dwellings.
- (c) Two-family dwellings.

Sec. 309. General requirements.

- (a) New buildings shall complete items 1 - 3 below.
 - (1) Applicable buildings shall have dedicated copper twisted pair wire, fiber optic, coaxial cable, or other wired installations capable of supporting at least gigabit connections to each dwelling and commercial unit from each building's telecommunications point of presence to each internal wiring closet that may exist.
 - (2) Each dwelling and commercial unit shall have a minimum of two (2) dedicated copper twisted pair wire, fiber optic, coaxial cable, or other wired connections from the unit to the telecommunications point of presence (often through a wiring closet), each capable of supporting a minimum of one gigabit connection.

- (3) For each building required to serve dwelling and commercial units as described in this section, one 4-inch (or larger) conduit, suitable and used exclusively to accommodate one or more future high-speed broadband services, shall be installed underground starting in a 2-foot by 3-foot (or larger) handhole at a point on the building property abutting public right-of-way, to a point in the building's telecommunications point of presence. Said 4-inch (or larger) conduit shall be capped on both ends so as to protect it until used to support a future high-speed broadband service. Each cable installed in this conduit shall be enclosed in innerduct.

Sec. 310. Testing and certification requirements.

In copper twisted pair wire, fiber optic, coaxial cable, or other wired installations, certification is achieved through a thorough series of cabling tests in accordance with Telecommunications Industry Association (TIA) or International Organization for Standardization (ISO) standards. A copy of said industry standard cabling tests and certifications that meets the requirements of Section 6-243 is to be paid for and provided by the building permit holder to the City of St. Louis Park before a Certificate of Occupancy is issued.

Sec. 311. Effective date.

All provisions of this article shall be required for applicable buildings permitted for construction on or after January 1, 2022.